

2010 LEGISLATION WITH COURT IMPACT

Chapter 4

[HB2788](#)

Effective Date
04/01/2010

Emergency

Item of interest to:

Superior Court:

1. Clerk of Superior Court
2. Superior Court Administrator
3. Superior Court Judge

Justice Court:

1. Justice of the Peace Court Administrator
2. Justice of the Peace Court Clerk
3. Justice of the Peace

Municipal Court:

1. Municipal Court Administrator
2. Municipal Court Clerk
3. Municipal Court Judge/Magistrate

Administrative Office of the Courts

CAMPAIGN FINANCE; INDEPENDENT EXPENDITURES Representative Kirk Adams

Summary:

Allows Corporations, Limited Liability Companies and Labor Organizations to make independent expenditures for the purpose of influencing the outcome of an election and enacts various reporting requirements for those expenditures. In pertinent part, creates a Class 1 misdemeanor for false filing related to independent expenditures.

Holds any Corporation, Limited Liability Company, or Labor Organization that fails to register, notify or disclose expenditures liable to civil action pursuant to A.R.S. § 16-924.

Statute Impacts:

Statutes amended: §§ 16-919, 16-920 Statute created: § 16-914.02

Court impact:

Adds A.R.S. § 16-914.02 to Title 16 and creates a violation for knowingly filing a false report of independent expenditures in an election cycle, under section (I). The violation is classified as a misdemeanor 1. The change requires courts to update their automation system.

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Chapter 19

[HB2543](#)

Effective Date
07/29/10

General

Item of interest to:

Superior Court:

1. Superior Court Administrator
2. Superior Court Judge

Justice Court:

1. Justice of the Peace Court Administrator
2. Justice of the Peace

Municipal Court:

1. Municipal Court Administrator
2. Municipal Court

FIREARMS; REGULATION; STATE PREEMPTION Representative David Gowan

Summary:

Current law prohibits political subdivisions from enacting rules, ordinances or taxes related to specific aspects of firearms and ammunition. HB 2543 expands the current prohibition to include the purchase, acquisition, gift, devise, storage, licensing, registration or discharge of firearms, ammunition, components or related accessories in Arizona. The current prohibition on any political subdivision from requiring the licensing or registration of firearms/ammunition or from prohibiting the ownership, purchase, sale or transfer of a firearm is also expanded to include any firearm-related accessories.

A political subdivision is prohibited from enacting any ordinance or rule that limits the possession of firearms in parks or preserves to persons possessing a concealed carry weapons permit. Prohibits a political subdivision from enacting any firearms related ordinance or rule that is more restrictive than state law or that carries a penalty greater than any penalty in state law. Retroactively nullifies and voids any firearms rule or ordinance that is inconsistent with or more restrictive than state law. Defines "political subdivision."

Statute Impacts:

Statute amended: § 13-3108

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| <div>Judge/Magistrate</div> <div>Administrative Office of the Courts</div> | <div> <div>Court impact:</div> <div>Information only.</div> <div>Back to Top</div> </div> |
| <div>Chapter 24</div> <div>HB2020</div> <div>Effective Date</div> <div>July 29, 2010</div> <div>General</div> <div>Item of interest to:</div> <div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer</div> <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court Judge</div> <div>5. Superior Court Jury Commissioner/Manager</div> </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div> <div>RESTORATION ORDER; JUVENILE COMMITMENT</div> <div>Representative Nancy Barto</div> <div>Summary:</div> <div>Allows, rather than requires, the court to appoint a Guardian Ad Litem (GAL) for a juvenile ordered to participate in either an inpatient or outpatient competency restoration program.</div> <div>Statute Impacts:</div> <div>Statute amended: § 8-291.09</div> <div>Court impact:</div> <div>Allows the court to use its discretion as to whether it is necessary to appoint a guardian ad litem for a juvenile who is ordered to participate in an outpatient or inpatient competency restoration program.</div> <div>Back to Top</div> </div> |
| <div>Chapter 26</div> <div>HB2025</div> <div>Effective Date</div> <div>July 29, 2010</div> <div>General</div> <div>Item of interest to:</div> <div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer</div> <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court Judge</div> </div> <div>Justice Court:</div> <div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace Jury Commissioner/Manager</div> </div> <div>Municipal Court:</div> <div> <div>1. Municipal Court Administrator</div> <div>2. Municipal Court Clerk</div> <div>3. Municipal Court Judge/Magistrate</div> </div> | <div> <div>CHIROPRACTIC SERVICES</div> <div>Representative Nancy Barto</div> <div>Summary:</div> <div>In pertinent part, prohibits a business entity from offering chiropractic services unless the entity establishes a written protocol for the secure storage, transfer and access of the patients' medical records. Enumerates what is required to be included in the protocol and lists exceptions. A violation is classified as a Class 6 felony.</div> <div>Statute Impacts:</div> <div>Statutes amended: § § 32-900, 32-922.02, 32-924, 32-925 Statute created: § 32-934</div> <div>Court impact:</div> <div>Adds A.R.S. § 32-934(C) that creates a class 6 felony for a business entity that provides chiropractic services without establishing written protocols for the secure storage, transfer, and access of the medical records of the business entity's patients. Provides exemptions for specific persons, partnerships, professional corporations and administrators or executors of a licensed chiropractor's estate or a person who has been authorized to act in place of an incapacitated licensed chiropractor. The change requires courts to update their automation system.</div> <div>Back to Top</div> </div> |

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| 4. Municipal Court Jury Commissioner/Manager Administrative Office of the Courts | |
| Chapter 30 HB2068 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace 3. Justice of the Peace Jury Commissioner/Manager Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate 3. Municipal Court Jury Commissioner/Manager Administrative Office of the Courts | <div data-bbox="695 264 1247 344"> <h2 style="text-align: center;">EORP; OMNIBUS AMENDMENTS</h2> <h3 style="text-align: center;">Representative Tom Boone</h3> </div> <p>Summary: In pertinent part, establishes that the Elected Officials' Retirement Plan (EORP) is a jural entity that may sue and be sued. Prohibits more than 12 months of credited service from being given in one year and excludes uncompensated time from the calculation of credited service. Defines an "eligible child" as an unmarried child of a deceased active or retired member who is either under:</p> <ul style="list-style-type: none"> • 18 years of age • 23 years of age and a full-time student, or • A disability that began before the child turned 23 years old and a dependent of the surviving spouse/guardian If an elected official is convicted of or discharged because of theft, embezzlement, fraud or misappropriation of an employer's property or property under the control of the employer, the member may be subject to restitution and fines imposed by the court. Restitution and fines may be ordered to be paid from any payments to the member from EORP. If a person knowingly makes a false statement or falsifies/permits falsification of any EORP record with the intent to defraud, the person is guilty of a Class 1 misdemeanor. EORP must correct any errors arising from the falsification of records and adjust the payments accordingly. If a member is convicted pursuant to this section, the member is entitled to receive a lump sum payment of the member's accumulated contributions but any future compensation and benefits that would otherwise accrue to the member are forfeited. Requires a surviving spouse to have been married to the deceased member at the time of death and at least two consecutive years prior to receive benefits. A surviving spouse's pension is paid from the last day of the month of the member's death until the last day of the month of the surviving spouse's death. Defines "employer". Makes numerous technical and conforming changes. • 23 years of age and a full-time student, or <p>Statute Impacts: Statutes amended: §§ 38-801, 38-802, 38-804, 38-807, 38-809, 38-817</p> <p>Court impact: Adds A.R.S. § 38-809 (F) a class 1 misdemeanor for any person who makes a false statement or permits to be falsified any record of the elected officials retirement plan with the intent to defraud. The change requires courts to update their automation system.</p> <p style="text-align: right;">Back to Top</p> |
| Chapter 32 HB2109 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Superior Court Chief | <div data-bbox="651 1686 1292 1766"> <h2 style="text-align: center;">SUPERIOR COURT; HOLIDAY HOURS</h2> <h3 style="text-align: center;">Representative Andy Tobin</h3> </div> <p>Summary: If the County Board of Supervisors designates the Friday after Thanksgiving a legal holiday in place of Columbus Day, the Presiding Judge of the County may close the Superior Court on the day after Thanksgiving and conduct court business on Columbus Day instead. Prohibits a division of Superior court which is open for business on Columbus Day from also conducting business on the Friday following Thanksgiving.</p> |

Probation Officer
2. Clerk of Superior Court
3. Superior Court Administrator
4. Superior Court Clerk
5. Superior Court Judge
6. Superior Court Jury Commissioner/Manager

Justice Court:

1. Justice of the Peace Court Administrator
2. Justice of the Peace Court Clerk
3. Justice of the Peace
4. Justice of the Peace Jury Commissioner/Manager

Municipal Court:

1. Municipal Court Administrator
2. Municipal Court Clerk
3. Municipal Court Judge/Magistrate
4. Municipal Court Jury Commissioner/Manager

Administrative Office of the Courts

Statute Impacts:

Statute amended: § 12-127

Court impact:

Where counties are considering alternative schedules, the county will need to put together a plan, approved by the Superior Court Presiding Judge. Notice shall be provided to the Administrative Office of the Courts of the days the superior court will be open for the transaction of business in each county. An emergency Rule 28 petition was filed to address the change by the Administrative Director of the Courts.

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Chapter 33

[HB2112](#)

Effective Date
07/29/2010

General

Item of interest to:

Superior Court:

1. Superior Court Chief Probation Officer
2. Clerk of Superior Court
3. Superior Court Administrator
4. Superior Court Clerk
5. Superior Court Judge
6. Superior Court Jury Commissioner/Manager

Justice Court:

Municipal Court:

Administrative Office of the Courts

MARRIAGE LICENSES; REPRODUCTION
Representative Bill Konopnicki

Summary:

Moves the provision of law permitting the Clerk of the Superior Court to produce an abstract of marriage in lieu of a reproduction of the recorded marriage license from A.R.S. § 12-282 to § 25-130.

Statute Impacts:

Statute amended: § 12-282 Statute created: § 25-130

Court impact:

Allows the Clerk of Superior Court to keep custody of court records in a location other than the county seat. Clarifies that the destruction of juvenile records under A.R.S. § 8-349 are exempt from the provisions of A.R.S. § 12-282.

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Chapter 50

[HB2389](#)

Effective Date
07/29/2010

ASRS; PLAN DESIGN; REFUNDS
Representative Tom Boone

Summary:

Makes numerous changes to the Arizona State Retirement System (ASRS). In

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| <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Clerk 5. Superior Court Judge 6. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</div> <div>Municipal Court:</div> <div>1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager</div> <div>Administrative Office of the Courts</div> | <p>pertinent part, for new employees starting after July 1, 2011 the following plan changes will apply:</p> <ul style="list-style-type: none"> • The calculation of “average monthly compensation” is based on the average of the highest compensation for 60 consecutive months within the last 120 months of credited service • The “normal retirement date” calculation is based on the first day that the sum of a member’s age and years of credited service equals 85 • Members that leave employment other than by retirement or death are only eligible to receive a return of all of the member’s contributions with interest, unless the member has five or more years of service and the member is terminated due to a reduction in force • The calculation for a member’s early retirement benefit is modified to adjust for the 85 point requirement by reducing the normal retirement benefit by 3% for each point or fraction of a point less than 85, if the member has at least 82 points (age plus years of credited service) <p>The health insurance subsidy paid to a retiree electing to purchase individual insurance coverage instead of receiving coverage through ASRS or the person’s employer is eliminated, however current retirees receiving this payment may continue to receive it.</p> <p>Statute Impacts: Statutes amended: §§ 38 711, 38 740, 38 742, 38 758, 38 769, 38-783, 38 797.03</p> <p>Court impact: Application is prospective affecting new employees from and after July 1, 2011. Courts should review new hire, benefits and advertising materials for prospective employees describing the Arizona State Retirement System.</p> <p>Back to Top</p> |
| <div>Chapter 55</div> <div>SB1113</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>CHILD SUPPORT COMMITTEE; MEMBERSHIP</div> <div>Senator Thayer Verschoor</div> <p>Summary: Allows a division or section chief from the Attorney General’s Office to designate someone to sit in his or her place on the Child Support Committee.</p> <p>Statute Impacts: Statute amended: § 25-323.01</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <div>Chapter 56</div> <div>SB1122</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> | <div>PRISON CONTRABAND; WIRELESS COMMUNICATION DEVICE</div> <div>Senator Al Melvin</div> <p>Summary: Adds wireless communication devices and multimedia storage devices to the list of contraband items not permitted in a correctional facility. Contraband items authorized by the correctional facility policies may be used at the discretion or with the permission of prison officials.</p> |

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| <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court Judge</div> <div>5. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div> Statute Impacts: Statutes amended: §§ 13-2501, 13-2505, 32-2811 </div> <div> Court impact: Information only. It should be noted that the devices defined as contraband are also prohibited in a juvenile secure care facility. </div> <div> Back to Top </div> |
| <div>Chapter 57</div> <div>SB1123</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Superior Court Chief Probation Officer 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div> PRISONERS; COMMUNITY CORRECTIONS; MONITORING; FEES Senator Al Melvin </div> <div> Summary: Increases the monthly supervision fee for prisoners on supervised parole or community supervision from \$30 to \$65. Changes the distribution of the fees by requiring 70% be deposited in the Victim Compensation and Assistance Fund and 30% in Community Corrections Enhancement Fund (CCEF). Establishes the CCEF, to be administered by the Arizona Department of Corrections (ADC), to pay for costs related to community corrections. Increases the monthly supervision fee for probationers and parolees under interstate compact from \$50 to \$65. Includes persons being supervised under interstate compact on community supervision. Requires 30% of the monthly supervision fees of persons supervised by ADC under interstate compact be deposited in the CCEF. Allows ADC to charge a person assigned to a global position monitoring system a daily fee that is not to exceed ADC's expense for the system. Deposits the fee in the CCEF. Establishes a monthly home arrest supervision fee of at least \$65 and allows ADC to assess a lesser amount if it determines that an inmate cannot pay the full \$65. </div> <div> Statute Impacts: Statutes amended: §§ 31-411, 31-418, 31-466, 31-467.06, 41-1604.08, 41-1604.13 </div> <div> Court impact: Information only, increased fees are for programs are administered by the Department of Corrections. </div> <div> Back to Top </div> |
| <div>Chapter 59</div> <div>SB1108</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge </div> | <div> CONCEALED WEAPONS; PERMIT Senator Russell Pearce </div> <div> Summary: Amends A.R.S. § 13-3102, Misconduct involving weapons, to permit the carrying of a concealed deadly weapon on a person or within a person's immediate control in or on a means of transportation without a permit to carry a concealed weapon (CCW) except if: </div> <div> <ol style="list-style-type: none"> Carrying the weapon is in the furtherance of a serious offense as defined in § 13-706, a violent crime as defined in § 13-903.03 or any other felony offense (Class 6 Felony) When contacted by a law enforcement officer, the person fails to accurately answer if asked whether the person is carrying a concealed deadly weapon (Class 1 misdemeanor) </div> |

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| 5. Superior Court Jury Commissioner/Manager | 3. The weapon is being carried on the person or in or on a means of transportation and the person is less than 21 years old (Class 3 Misdemeanor) |
| Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager | Transfers several existing exceptions and creates a new one that allows a person to possess a deadly weapon on school grounds if the person has a certificate of firearms proficiency and is authorized to carry concealed pursuant to the Law Enforcement Officers Safety Act of 2004. Authorizes a law enforcement officer who contacts a person in possession of a firearm to take temporary custody of the firearm for the duration of that contact. Defines “contacted by a law enforcement officer.” |
| Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager | When the court is required to order that a deadly weapon, dangerous instrument, or explosive be forfeited and sold due to it being used, displayed or unlawfully possessed in the commission of a felony or by a person found incompetent pursuant to Rule 11, Rules of Criminal Procedure, it must be sold to any business authorized to receive and dispose of the article under federal, state and local law. The business then sells the article to the public according to law, unless the article is otherwise prohibited from being sold by law, in which case it shall be destroyed or disposed of. |
| Administrative Office of the Courts | A person issued a CCW is only required to carry it when the person is in possession of the weapon and is required by any other law to do so. A permittee who is required by any other law to carry a CCW must present it to a law enforcement officer upon request. A violation is subject to a civil penalty of not more than \$300 and the Department of Public Safety (DPS) must suspend the permit. If the person provides a CCW to the court that was valid at the time of the offense, the case must be dismissed. An officer is prohibited from confiscating or forfeiting a weapon if the person’s CCW was suspended, but the officer may take the firearm into temporary custody during an investigatory stop of the permittee. Makes numerous changes to the process of issuing a CCW. Prohibits a criminal justice agency from using the DPS computerized permit system to conduct inquiries as to whether a person is a CCW holder, unless the criminal justice agency or another entity has reasonable suspicion to believe the person is carrying a concealed weapon and the person is subject to a lawful criminal investigation, arrest, detention or an investigatory stop. Statute Impacts: Statutes amended: §§ 4-229, 13-3102, 13-3105, 13-3112 Court impact: Makes numerous changes to concealed weapons violations and to the processes for issuing a concealed weapons permit including adding misdemeanor and felony offenses. The change requires courts to update their automation system. |
| Chapter 68 HB2247 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Clerk of Superior Court | <div> <div>PROPERTY TAX APPEALS TO COURT</div> <div>Representative Andy Biggs</div> </div> Summary: Transfers language allowing new owners of a property to appeal the valuation or legal classification to court from § 42-1605 to § 42-16205.01. Statute Impacts: Statute amended: § 42-16205 Statute created: § 42-16205.01 Court impact: |

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| <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>Information only.</div> <div>Back to Top</div> |
| <div>Chapter 70</div> <div>HB2348</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>VETERANS; DISABILITY BENEFITS</div> <div>Representative Frank Antenori</div> <div>Summary:</div> <div>Federal disability benefits awarded to veterans for service-connected disabilities pursuant to 38 U.S.C Ch.11 are exempt from the claim of creditors, not subject to attachment, levy or seizure as provided by federal law and may not be awarded to any other person except for child and spousal support enforcement. In making a disposition of property pursuant to A.R.S. § 25-318 or § 25 327, having to do with disposition of property, maintenance and support, the court is prohibited from:</div> <div> <ul style="list-style-type: none"> Considering any federal disability benefits awarded to a veteran Indemnifying the veterans spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to receipt of the disability benefits Awarding any other income or property of the veteran to the veterans spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to receipt of the disability benefits </div> <div>A court is prohibited from considering any federal disability benefits awarded to the other spouse for service-connected disabilities when determining whether to award spousal maintenance.</div> <div>Statute Impacts:</div> <div>Statutes created: §§ 12-1539, 25-318.01, 25-530</div> <div>Court impact:</div> <div>Prohibition on attachment does not apply to portion of service-connected disability benefits that is subject to child and spousal support enforcement under 42 United States Code section 659(h)(91)(A)(ii)(V).</div> <div>Back to Top</div> |
| <div>Chapter 72</div> <div>HB2477</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer</div> <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court</div> | <div>CIVIL ACTIONS; PUBLIC EMPLOYEE; DEFINITION</div> <div>Representative Bill Konopnicki</div> <div>Summary:</div> <div>For the purposes of the article dealing with actions against public entities or public employees, expands the definition of “employee” to include “leased employees” and defines “leased employees.”</div> <div>Statute Impacts:</div> <div>Statute amended: § 12-820</div> <div>Court impact:</div> <div>Courts should review human resource materials.</div> <div>Back to Top</div> |

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| <p>Judge</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate</p> <p>Administrative Office of the Courts</p> | |
| <p>Chapter 73 <u>HB2539</u> Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge 4. Superior Court Jury Commissioner/Manager</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager</p> <p>Administrative Office of the Courts</p> | <p>EMPLOYMENT; ABSENCE FOR MILITARY DUTIES Representative David Gowan</p> <p>Summary: Prohibits employers from refusing to permit members of the United States Armed Forces Reserves to take leaves of absence from employment to comply with state or federal orders for active duty, or to attend camps, maneuvers, formations or armory drills. A member of the United States Armed Forces Reserves may not lose seniority or precedence while absent under competent military orders.</p> <p>Entitles members of the United States Armed Forces Reserves to leaves of absence pursuant to A.R.S. § 38-610 from duties without loss of time or efficiency rating during all days where they are participating in field training, and entitles them to pay during these leaves of absence when they are no greater than 30 days in any two consecutive years.</p> <p>Requires the county attorney to prosecute violations in superior court.</p> <p>Statute Impacts: Statute amended: § 26-168</p> <p>Court impact: Reclassifies violations under A.R.S. 28-168 §§ (A) and (B) from a class 3 misdemeanor to a class 1 misdemeanor. The changes require courts to update their automation system.</p> <p>Back to Top</p> |
| <p>Chapter 76 <u>SB1059</u></p> | <p>HUMAN TRAFFICKING; DEFINITION Senator Jonathon Paton</p> |

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| <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>Summary: In the sex trafficking and trafficking of persons for forced labor or services statutes, the definition of "traffic" is modified by removing the requirement that an individual be transported for a specific purpose.</div> <div>Statute Impacts: Statutes amended: §§ 13-1307, 13-1308</div> <div>Court impact: Information only. Technical amendment to A.R.S.§§ 13-1307 and 13-1308 for the definition of "traffic."</div> <div>Back to Top</div> |
| <div>Chapter 77</div> <div>SB1111</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge 4. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>CHILD SUPPORT; MEDICAL INSURANCE Senator Thayer Verschoor</div> <div>Summary: Narrows the cash medical support provisions to apply only to IV-D cases. The requirement to pay cash medical support terminates if the parent obtains private insurance, and if private insurance terminates, the cash medical support order automatically resumes on the first day of the following month. The requirement to obtain medical insurance or pay cash medical support is the responsibility of the noncustodial parent.</div> <div>Statute Impacts: Statutes amended: §§ 25-320, 25-535</div> <div>Court impact: Requires the court to order the responsibility for medical support to one of the parents according to the child support guidelines. Also, specifies that when an obligor in a child support case obtains private insurance the case medical support order terminates and if the private insurance terminates the cash medical support order automatically resumes by operation of law on the first day of the following month.</div> <div>Back to Top</div> |
| <div>Chapter 78</div> <div>SB1114</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court</div> | <div>MATERNITY; PATERNITY; GENETIC TESTING Senator Thayer Verschoor</div> <div>Summary: Expands maternity and paternity testing procedures to all genetic testing, rather than specifically drawing blood or DNA testing. Requires that testing procedures be conducted by an accredited laboratory. States that if the mother is unavailable or fails to cooperate by refusing, testing of the alleged father and child or children may be appropriate.</div> <div>Requires a written challenge to the examiner's report to be filed with the court within 20 days of the date that the examiner's report was filed with the court, instead of 21 days before the initial trial date. Allows either party to apply for a paternity summary judgment.</div> <div>Directs a state or local agency in Arizona to treat a genetic testing order issued in another state as if it were issued by an Arizona court. Provides that an agency,</div> |

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| <div>Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <p>agency employee or agency contractor acting in good faith who cooperates in conducting genetic testing under this section is not subject to civil or criminal liability.</p> <p>Statute Impacts: Statute amended: § 25-807</p> <p>Court impact: Expands the definition of genetic testing from specific references of blood tests or DNA tests to the generic reference of “genetic testing.”</p> <p>Back to Top</p> |
| <div>Chapter 84</div> <div>HB2425</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>VULNERABLE ADULTS; ATTORNEY FEES</div> <div>Representative Adam Driggs</div> <p>Summary: Limits the amount of attorney’s fees that may be awarded in an action against a person employed or appointed by the court to care for a vulnerable adult where the vulnerable adult’s life or health was endangered by abuse, neglect or exploitation to the total amount of compensatory damages awarded in the action. Current law caps the amount to two times the compensatory damages awarded.</p> <p>Statute Impacts: Statute amended: § 46-455</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <div>Chapter 89</div> <div>HB2224</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>FOSTER PARENTS; RIGHTS</div> <div>Representative Nancy Barto</div> <p>Summary: Establishes the following rights of foster parents to:</p> <ul style="list-style-type: none"> • Be treated with consideration and respect for dignity and privacy • Be included as valued member of the team that provides services • Receive support services including open and timely responses from agency personnel and the ability to reach personnel 24 hours a day, 7 days per week • Be informed of all information regarding the child that will impact the foster home and of all agency policies and procedures that relate to the foster parent • Receive assistance in dealing with family loss and separation when a child leaves the foster home • Contribute to the permanency plan for the child • Be assured of safety of family members and be granted a reasonable plan for relief • Not be discriminated against • Receive training and an evaluation on the foster parent’s performance • Be included as a valued member of the team that provides services to the foster child • Confidentiality regarding household issues <p>Provides that this statute does not establish any legally enforceable right or cause of action.</p> |

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| | <p>Statute Impacts: Statute created: § 8-530</p> <p>Court impact: Information only.</p> <p style="text-align: right;">Back to Top</p> |
| <p>Chapter 95</p> <p>HB2647</p> <p>Effective Date 07/10/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate</p> | <p style="text-align: center;">INITIATIVES; REVIEW; TITLE; SIGNATURE COLLECTION Representative John McComish</p> <p>Summary: Makes numerous changes to statutes governing initiatives and referendums. In pertinent part, provides that a person is not guilty of petition signature fraud if the person is paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures and the person reports the suspected unlawful/fraudulent signature collection to the filing officer and refuses to file the suspect signatures. Clarifies that the offense of petition signature fraud applies to persons collecting signatures with the knowledge that the person on the signature sheet did not actually sign the petition, not to persons filing the petition sheets.</p> <p>Statute Impacts: Statute amended: § 19-119.01 Statute created: § 19-111.01</p> <p>Court impact: Information only.</p> <p style="text-align: right;">Back to Top</p> |
| <p>Chapter 97</p> <p>HB2062</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jurv</p> | <p style="text-align: center;">AGGRAVATED ASSAULT; PEACE OFFICER Representative Andy Tobin</p> <p>Summary: Classifies Aggravated assault on a peace officer whom the defendant knows or has reason to know is a peace officer engaged in official duties as a Class 5 felony, except that the offense is a Class 4 felony if the assault results in physical injury. Aggravated assault on a person summoned and directed by an officer while engaged in the execution of the officer's official duty is unclassified.</p> <p>Statute Impacts: Statute amended: § 13-1204</p> <p>Court impact: Adds a class 5 felony to A.R.S. § 13-1204 (C). Enhances the current penalty from a class 5 to a class 4 felony if the officer sustains a physical injury as a result of the assault. The change requires the court to update their automation system.</p> <p style="text-align: right;">Back to Top</p> |

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| Commissioner/Manager | |
| Municipal Court: | |
| Administrative Office of the Courts | |
| Chapter 101 | ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS |
| HB2426 | Representative Adam Driggs |
| Effective Date 07/29/2010 | Summary: |
| General | Enacts the Uniform Adult Guardianship and Protective Proceedings Act (Act). Outlines procedures for communications between Arizona and out of state courts and specifies which communications must be kept on record. An AZ court is allowed to request an out-of-state court to hold an evidentiary hearing, order a person in the other state to produce evidence/provide testimony, order an evaluation/assessment, order an investigation, forward transcripts, evidence, evaluations or assessments to AZ, issue any order necessary to ensure appearance or issue an order authorizing the release of records. Provides jurisdiction to a court in AZ for the limited purpose of granting any such requests for an out-of-state court where a guardianship or protective proceeding is pending. |
| Item of interest to: | |
| Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge | |
| Justice Court: | Allows testimony to be taken in another state where a witness is located. Grants an AZ court jurisdiction to appoint a guardian/issue a protective order in specific situations where AZ is either the home state or significant connection state (defined) and certain conditions are met. If the AZ court lacks jurisdiction under those situations, the court is granted special jurisdiction to: |
| Municipal Court: | <ul style="list-style-type: none"> • Appoint a guardian in an emergency for no more than 90 days for a respondent in AZ. If a petition to appoint is brought in AZ and AZ is not the respondent's home state at the time of filing, the petition must be dismissed at the request of the home state • Issue a protective order for property located in AZ • Appoint a guardian or conservator for an incapacitated or protected person if a provisional order to transfer the proceeding to AZ has been issued |
| Administrative Office of the Courts | Allows an AZ court to decline to appoint a guardian or issue a protective order if it determines that an out-of-state court is the more appropriate place to do so. Outlines the process for appointing a guardian or issuing a protective order due to unjustifiable conduct. Requires notice of a petition for the appointment of a guardian/issuance of a protective order to be provided to persons who would receive notice if the proceeding was brought in the respondent's home state. Establishes rules governing situations when a petition to appoint a guardian or the issuance of a protective order is filed in AZ and in another state and neither petition has been dismissed/withdrawn. Allows any interested person to petition to transfer guardianship or conservatorship to another state and allows any interested person to petition an AZ court to accept guardianship or conservatorship as part of confirming a transfer to AZ. Allows for registration of guardianship or protective orders. |
| | Once a guardianship or conservatorship or any other protective order from out-of-state is registered in AZ, the guardian or conservator may exercise all powers or appointment in AZ. Provides numerous definitions. Contains a transitional provision. |
| | Statute Impacts: Statutes created: §§ 14-12101, 14-12102, 14-12103, 14-12104, 14-12105, 14-12106, 14-12201, 14-12202, 14-12203, 14-12204, 14-12205, 14-12206, 14-12207, 14-12208, 14-12209, 14-12301, 14-12302, 14-12401, 14-12402, 14-12501, 14-12502, 14-12503 |

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| | <p>Court impact: May require amendments to the Arizona Rules of Probate Procedures.</p> <p>Back to Top</p> |
| <p>Chapter 103 HB2493 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge Justice Court: Municipal Court: Administrative Office of the Courts</p> | <p>SEXUALLY VIOLENT PERSONS; COMMITMENT Representative Debbie Lesko</p> <p>Summary: If a person has a pending sentence of imprisonment in another jurisdiction, the law provides authority for the Director of the Arizona Department of Corrections to enter into a written agreement with the prosecuting attorney by which the person was prosecuted to have a sexually violent person retrieved by that state or federal jurisdiction.</p> <p>Statute Impacts: Statute amended: § 36-3702</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <p>Chapter 104 HB2536 Effective Date 07/29/2010 General Item of interest to: Superior Court: Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager Administrative Office of the Courts</p> | <p>LICENSE PLATE OBSTRUCTION; WHEELCHAIR HOLDERS Representative David Gowan</p> <p>Summary: Requires the owner of a vehicle for which two special license plates are issued pursuant to A.R.S. §28-2409 (International symbol of access) to display one on the rear of the vehicle and the other on the operator's wheelchair carrier or wheelchair lift when it is attached to the vehicle.</p> <p>Statute Impacts: Statute amended: § 28-2534</p> <p>Court impact: Creates a civil traffic violation reportable to the Motor Vehicle Department for failure to display special license plates. The change requires courts to update their automation system.</p> <p>Back to Top</p> |
| <p>Chapter 105 HB2774</p> | <p>NOTICE; CLAIM OF UNCONSTITUTIONALITY; PARTIES Representative Adam Driggs</p> |

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| <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Clerk 4. Superior Court Jury Commissioner/Manager</div> <div>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace</div> <div>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate</div> <div>Administrative Office of the Courts</div> | <div>Summary: The Attorney General, Speaker of the House of Representatives and the President of the Senate may not be compelled to intervene as a party or to be named as a defendant in any proceeding where a person is seeking declaratory relief in challenging the constitutionality of a state statute, ordinance, franchise or rule. The Attorney General, Speaker or President may intervene as a party, file briefs or choose not to participate in the proceeding.</div> <div>Statute Impacts: Statute amended: § 12-1841</div> <div>Court impact: Information only.</div> <div>Back to Top</div> |
| <div>Chapter 106</div> <div>SB1090</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>WELFARE ASSISTANCE; ASSIGNMENT OF RIGHTS Senator Linda Gray</div> <div>Summary: Retroactive to October 1, 2009, prohibits the state from obtaining an assignment of rights to support from persons applying for TANF cash assistance that accrued prior to receiving TANF benefits.</div> <div>Statute Impacts: Statute amended: § 46-408</div> <div>Court impact: Information only.</div> <div>Back to Top</div> |
| <div>Chapter 108</div> <div>SB1202</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court</div> | <div>COUNTY TREASURER; EXCESS FORECLOSURE PROCEEDS Senator Barbara Leff</div> <div>Summary: Requires a trustee, within 15 days of the completion of the trustee's sale, to mail a notice of excess proceeds to all known addresses of a trustor. If a trustee commences an action in superior court after depositing the sale proceeds with the county treasurer, the trustee must mail a copy of the complaint to all known addresses for persons that are required to receive notice of the action. Clarifies</div> |

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| <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>4. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <p>that the trustee is discharged as plaintiff after filing the complaint and subsequent certificate of mailing with the certified mailing receipts of the addresses.</p> <p>Requires any application to release proceeds be mailed to all known or ascertained addresses of any person required by law to receive the notice, within three business days of the application being filed with the court. If the mailing is returned as undeliverable but with a new forwarding address on the envelope, the applicant must send a copy of the application to the new address within 10 business days of receiving the returned envelope. The applicant must also file a second affidavit of mailing with the court and mail a copy of the affidavit to all interested parties. The applicant must continue service of the application until the envelope is returned with no forwarding address. If the interested party is a business or financial institution, the trustee or applicant is only required to mail the information to the primary address recorded with the Corporation Commission.</p> <p>Lengthens the amount of time a person who receives the application or claims a right to the proceeds has to file a response to the application from 30 days to 45 days of the latest mailing.</p> <p>Statute Impacts: Statute amended: § 33-812</p> <p>Court impact: Modifies procedures for a trustee in a deed of trust sale and for applicants seeking distribution of the excess proceeds.</p> <p>Back to Top</p> |
| <div>Chapter 109</div> <div>SB1204</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Administrator</div> <div>2. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>STATE CAPITAL POSTCONVICTION PUBLIC DEFENDER</div> <div>Senator Jonathon Paton</div> <p>Summary: Deletes the prohibition on the State Capital Postconviction Public Defender (Public Defender) providing outside counsel to any other attorney outside of the office. Instead, prohibits the Public Defender from representing any person who is not assigned by the Supreme Court. Permits the Public Defender to conduct general training.</p> <p>Statute Impacts: Statutes amended: §§ 41-4301</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <div>Chapter 111</div> <div>SB1304</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> | <div>ABORTION; REPORTING REQUIREMENTS</div> <div>Senator Linda Gray</div> <p>Summary: In pertinent part, includes the following numbers (provided by the Administrative Office of the Courts) regarding parental consent to minor abortion judicial bypass petitions in the annual abortion statistical report compiled by the Department of Health Services (DHS):</p> <ul style="list-style-type: none"> • Petitions filed • Cases where the judge appointed a guardian ad litem (GAL) or court-appointed counsel for the minor • Petitions granted • Petitions denied • Cases appealed to the Court of Appeals if the petition was denied |

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| <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <ul style="list-style-type: none"> • Appeals that resulted in the denials being affirmed and appeals that resulted in the denial being reversed <p>Mandates that the annual statistical report is public record. Other reports collected under this legislation are not public record, although disclosure to law enforcement may be made through a court order upon an application showing good cause. Permits the court to condition the disclosure on any appropriate safeguards it may impose.</p> <p>Classifies willfully delivering or disclosing to DHS any report, record or information known by a person to be false as a Class 1 misdemeanor. Makes the willful disclosure of any information obtained from the reports by an employee, agent or contractor of DHS outside of what is required a Class 3 misdemeanor. Clarifies that this language does not make lawful an abortion that is otherwise unlawful.</p> <p>Statute Impacts: Statutes created: §§ 36-2161, 36-2162, 36-2163, 36-2164</p> <p>Court impact: The Administrative Office of the Courts in consultation with superior court presiding judges, juvenile court presiding judges, clerks of the superior court and the Department of Health Services will be formulating procedures to comply with the bill. The procedures will be distributed after final approval.</p> <p>Back to Top</p> |
| <div>Chapter 112</div> <div>SB1071</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>INVOLUNTARY CIVIL COMMITMENT, PRIVILEGED COMMUNICATIONS</div> <div>Senator Jonathon Paton</div> <p>Summary: Limits the scope of the civil husband and wife privileged communication statute by permitting a husband or wife to be examined either during or after a marriage in a hearing conducted pursuant to Title 36, Chapter 5 (mental health) as to any communication, physical acts or behaviors made by one to the other during the marriage that relate to the issues in the hearing.</p> <p>Statute Impacts: Statute amended: § 12-2232</p> <p>Court impact: Expands the areas a husband or wife may testify about in a civil commitment hearing, without the consent of the other, to include physical acts and behaviors.</p> <p>Back to Top</p> |
| <div>Chapter 113</div> <div>SB1070</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Superior Court Chief</div> | <div>SAFE NEIGHBORHOODS; IMMIGRATION; LAW ENFORCEMENT</div> <div>Senator Russell Pearce</div> <p>Summary: Prohibits political subdivisions of Arizona from enacting policies that limit the enforcement of federal immigration laws. Requires a law enforcement official to verify the immigration status of any individual the official reasonably suspects is undocumented during any lawful stop, detention or arrest in the enforcement of any other law or ordinance of a county, city or town of this state, unless doing so</p> |

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| Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Clerk 5. Superior Court Judge 6. Superior Court Jury Commissioner/Manager | <p>could hinder or obstruct an investigation. The immigration status of any arrested individual must be verified with the federal government before the individual is released from custody.</p> <p>Prohibits Arizona law enforcement officials, agencies or political subdivisions from considering race, color or national origin in the enforcement of enumerated immigration-related statutes, except to the extent permitted by the United States or Arizona Constitution. Requires immigration status to be determined by a law enforcement officer who is authorized by the federal government, the United States Immigration and Custom Enforcement (ICE), or the United States Customs and Border Protection (Customs).</p> |
| Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager | <p>Records relating to the immigration status of a person are admissible in court without further foundation or testimony if the record is certified as authentic by the agency responsible for maintaining the record.</p> <p>If an alien is unlawfully present in the United States and is discharged from imprisonment or on the assessment of any monetary obligation that is imposed, ICE or Customs must be immediately notified. Law enforcement agencies that have received verification that an individual in custody is in the country illegally may transfer the individual to federal custody. A law enforcement agency may transfer aliens to a point of transfer outside of Arizona only with judicial authorization.</p> |
| Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager | <p>Prohibits the restriction of state and local officials from either sending, receiving, maintaining or exchanging information on immigration status in order to determine eligibility for any public benefit, determining a claim of residence to comply with state law or judicial order, confirming the identity of a detainee or determining whether or not an alien is in compliance with federal registration laws.</p> |
| Administrative Office of the Courts | <p>Permits any legal Arizona resident to bring a lawsuit in superior court against any official, agency or political subdivision that adopts or implements a policy limiting the enforcement of federal immigration laws. If an entity is found to have adopted such a policy the court is required to order a civil penalty of \$500 - \$5,000 per day for each day that the policy remains in place beginning at the initial date of filing. Money collected by the court shall be remitted to the State Treasurer for deposit in the Gang and Immigration Intelligence Team Enforcement Mission Fund. The court may order reasonable attorney fees to any person, official or agency of the State that prevails. Unless an officer is found to have acted in bad faith, the officer is indemnified by the officer's agency against reasonable costs and expenses incurred by the officer in connection with any action brought under this section.</p> <p>Establishes A.R.S. § 13-1509, Willful failure to complete or carry an alien registration document. A person is guilty of this state crime if the person is in violation of 8 USC § 1304(e) (Personal possession of registration or receipt card; penalties) or 8 USC § 1306(a) (Willful failure to register). The state offense is classified a Class 1 misdemeanor. The maximum fine is \$100 and the maximum jail sentence is 20 days in jail for a first offense and 30 days in jail for a second or subsequent offense. Requires the court to order the person to pay jail costs in addition to any other penalty prescribed by law.</p> <p>Amends § 13-2319, Smuggling. A peace officer may stop any person operating a motor vehicle who is in violation of a civil traffic law.</p> <p>Establishes § 13-2928, Unlawful stopping to hire and pick up passengers for work, a Class 1 misdemeanor. It is unlawful for:</p> <ul style="list-style-type: none"> • An occupant of a motor vehicle that is stopped on a street, roadway or |

highway to attempt to hire or hire and pick up passengers for work at a different location if the motor vehicle blocks or impedes the normal movement of traffic

- A person to enter a motor vehicle that is stopped on a street, roadway or highway in order to be hired by an occupant of the motor vehicle and to be transported to work at a different location if the motor vehicle blocks or impedes the normal movement of traffic
- A person who is unlawfully present in the United States and who is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state

Establishes § 13-2929, Unlawful transporting, moving, concealing, harboring or shielding of unlawful aliens, a Class 1 misdemeanor, or Class 6 felony if the offense involves ten or more aliens. It is unlawful for a person who is in violation of a criminal offense to:

- Transport or move or attempt to transport or move an alien in this state in a means of transportation in furtherance of the illegal presence of the alien in the United States, if the person knows or recklessly disregards the fact that the alien has come to, entered or remains in the United States in violation of law
- Conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law, or
- Encourage or induce an alien to come to or reside in this state if the person knows or recklessly disregards the fact that such coming to, entering or residing in this state is or will be in violation of law An exception is provided for Child Protective Services workers and first responders.

Allows a peace officer to arrest a person without a warrant if the officer has probable cause to believe that the person has committed an offense making the person removable from the United States.

Establishes entrapment as an affirmative defense to the employer sanctions statutes; knowingly employing and intentionally employing unauthorized aliens. An employer asserting an entrapment defense has the burden of proving the enumerated requirements by a preponderance of evidence. Sets forth specific parameters for entrapment.

An employer is required to keep a record of the E-verify eligibility check for an employee for the duration of the person's employment or three years, whichever is longer.

Requires a peace officer to remove and either immobilize or impound a vehicle if a person:

- In furtherance of the illegal presence of an alien and in violation of a criminal offense, is transporting/moving or attempting to transport/move an alien in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, entered or remains in the United States in violation of law
- Is concealing, harboring or shielding or attempting to conceal, harbor or shield from detection an alien in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, entered or remains in the

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| | <p>United States in violation of law</p> <p>Statute Impacts: Statutes amended: §§ 13-2319, 13-3883, 23-212, 23-212.01, 23-214, 28-3511 Statutes created: §§ 13-1509, 13-2928, 13-2929, 41-1724</p> <p>Court impact: Creates multiple misdemeanor offenses that may be classified as a class 6 felony if the offense involves ten or more aliens. The changes require the court to update their automation system. The bill was amended by HB 2162, Chapter 211.</p> <p>Back to Top</p> |
| <p>Chapter 117</p> <p>HB2057</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager</p> <p>Administrative Office of the Courts</p> | <p>REVISERS TECHNICAL CORRECTIONS; 2010 Representative Sam Crump</p> <p>Summary: In pertinent part, clarifies that the monthly probation fee imposed pursuant to A.R.S. §13-901 which is not subject to a surcharge. Effective Date- Retroactive to July 13, 2009</p> <p>Statute Impacts: Statute amended: § 13-901 (as amended by Laws 2009, first regular session, chapter 5, section 2)</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <p>Chapter 133</p> <p>HB2326</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court: 1. Clerk of Superior</p> | <p>PROBATE PROCEEDINGS; BURDEN OF PROOF Representative Cecil Ash</p> <p>Summary: Establishes preponderance of evidence as the standard for all probate proceedings. Creates guidelines for handling governing instruments that include how to resolve disputes of which instrument is later, a rebuttable presumption that the person advocating the instrument is capable of doing so and not under undue influence or duress, circumstances that lead to the presumption that an instrument is the product of undue influence and how a beneficiary of such an instrument</p> |

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| <div>Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>would overcome the presumption. Removes the requirement for contestants of a will to have the burden of establishing lack of testamentary intent/capacity, undue influence, fraud, duress, mistake or revocation.</div> <div>Statute Impacts:</div> <div>Statute amended: § 14-3407 Statutes created: §§ 14-1311, 14-2712</div> <div>Court impact:</div> <div>Information only.</div> <div>Back to Top</div> |
| <div>Chapter 134</div> <div>HB2334</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace</div> <div>Municipal Court:</div> <div>1. Municipal Court Administrator</div> <div>2. Municipal Court Clerk</div> <div>3. Municipal Court Judge/Magistrate</div> <div>Administrative Office of the Courts</div> | <div>DOCUMENT PREPARATION COSTS; AWARDS</div> <div>Representative Cecil Ash</div> <div>Summary:</div> <div>Permits the court to award to the prevailing party the cost of document preparation if the document is prepared by a legal document preparer that is certified by the Supreme Court.</div> <div>Statute Impacts:</div> <div>Statute created: § 12-341.02</div> <div>Court impact:</div> <div>Requires the party seeking payment of the document preparation costs to file a sworn affidavit of costs with the court.</div> <div>Back to Top</div> |
| <div>Chapter 139</div> <div>HB2430</div> <div>Effective Date</div> <div>01/01/2011</div> <div>Delayed</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> | <div>REVISED UNIFORM ARBITRATION ACT</div> <div>Representative Adam Driggs</div> <div>Summary:</div> <div>Enacts the Revised uniform arbitration act to govern arbitration actions and proceedings.</div> <div>Statute Impacts:</div> <div>Statutes amended: §§ 10-1806, 12-2101.01, 41-2615. Statutes created: §§ 12-3001-12-3029</div> <div>Court impact:</div> <div>Information only. Does not conflict with the provisions of A.R.S. § 12-133.</div> <div>Back to Top</div> |

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| Municipal Court: Administrative Office of the Courts | |
| Chapter 141 SB1067 Effective Date 07/29/2010 General Item of interest to: Superior Court: Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate Administrative Office of the Courts | <div style="text-align: center;"> MOTOR VEHICLES; IMAGE DISPLAY DEVICES Senator John Nelson </div> <p>Summary: Repeals the statute that prohibits television viewing in motor vehicles and replaces it with a broader civil traffic violation referring to visual images. Defines “image display device.”</p> <p>Statute Impacts: Statute repealed: § 28-963 Statute created: § 28-963</p> <p>Court impact: Creates two civil traffic violations for viewing television or visual images display devices while a vehicle is in motion. Provides exemptions for dashboard displays, safety devices and GPS navigation devices. The changes require the court to update their automation system.</p> <p style="text-align: right;">Back to Top</p> |
| Chapter 143 SB1130 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Clerk 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager Municipal Court: 1. Municipal Court | <div style="text-align: center;"> FORECLOSURE CONSULTANTS Senator John Nelson </div> <p>Summary: Establishes regulations for foreclosure consultants. In pertinent part, creates a Class 1 misdemeanor for any foreclosure consultant who engages in conduct that constitutes fraud or deceit against a homeowner and allows the Attorney General (AG) or a county attorney to prosecute. Additionally states that an act or practice in violation of the new regulations constitutes an unlawful practice for the purpose of allowing the AG to investigate and take action.</p> <p>A homeowner injured as a result of a violation of the regulations may bring an action against the foreclosure consultant to recover damages, along with reasonable attorney fees and costs. If the homeowner prevails, the court may award punitive damages determined by a jury or by a court sitting without a jury. Punitive damages must be at least 1 ½ times the amount awarded as actual damages.</p> <p>Clarifies that the rights, remedies and penalties in this act are cumulative and do not abrogate and are in addition to any other options existing in law.</p> <p>Statute Impacts: Statutes created: §§44-1378, 44-1378.01, 44-1378.02, 44-1378.03, 44-1378.04, 44-1378.05, 44-1378.06, 44-1378.07, 44-1378.08</p> <p>Court impact: Adds multiple class 1 misdemeanors under A.R.S. § 44-1378.02 for a foreclosure consultant who engages in conduct that constitutes fraud or deceit against a</p> |

Administrator
2. Municipal Court
Clerk
3. Municipal Court
Judge/Magistrate
4. Municipal Court Jury
Commissioner/Manager

**Administrative Office
of the Courts**

homeowner. The change requires courts to update their automation system.

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Chapter 148

[HB2296](#)

**Effective Date
04/26/2010**

Emergency

Item of interest to:

Superior Court:

1. Superior Court
Chief Probation
Officer
2. Clerk of Superior
Court
3. Superior Court
Administrator
4. Superior Court
Judge

Justice Court:

1. Justice of the
Peace Court
Administrator
2. Justice of the
Peace

Municipal Court:

1. Municipal Court
Administrator
2. Municipal Court
Judge/Magistrate

**Administrative Office
of the Courts**

**PEACE OFFICER; SPOUSE; INSURANCE PAYMENT
Representative Jerry Weiers**

Summary:

Entitles the surviving spouse and dependants of a deceased law enforcement officer to receive payments, made from public monies of the employer and reduced from the officer's retirement plan, for health insurance premiums for the first year after the officer's death, under certain circumstances. Definition of "law enforcement officer" includes detention, probation and surveillance officers. Contains an emergency clause and a retroactivity clause.

Statute Impacts:

Statute amended: § 38-651 Statute created: § 38-1103

Court impact:

Information only.

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Chapter 151

[HB2437](#)

**Effective Date
04/26/2010**

Emergency

Item of interest to:

Superior Court:

1. Clerk of Superior
Court
2. Superior Court
Administrator
3. Superior Court
Judge

Justice Court:

Municipal Court:

**GUARDIANSHIP OF FOREIGN CITIZENS
Representative Adam Driggs**

Summary:

Allows the court to appoint an adult as the guardian of a foreign citizen if the foreign citizen is less than 21 years-old and either has a temporary visa issued by the United States or is a legal permanent resident. Contains an emergency clause.

Statute Impacts:

Statute amended: § 14-5108

Court impact:

Information only.

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| Administrative Office of the Courts | |
| <div> <div>Chapter 155</div> <div>HB2534</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>Justice Court: <ul style="list-style-type: none"> 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace </div> <div>Municipal Court: <ul style="list-style-type: none"> 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> </div> | <div> <div>TRAFFIC COMPLAINTS; SOCIAL SECURITY NUMBER</div> <div>Representative David Gowan</div> <div> Summary: Prohibits the inclusion of the violator's social security number on a traffic citation, except for the court or law enforcement copy. </div> <div> Statute Impacts: Statute amended: § 28-1557 </div> <div> Court impact: Require modification of the Arizona Traffic Ticket and Complaint form in the Rules of Procedure for Civil Traffic and Boating Cases. An emergency Rule 28 petition was filed on June 11, 2010 by the Administrative Director of the Courts to address the changes. </div> <div> Back to Top </div> </div> |
| <div> <div>Chapter 159</div> <div>SB1023</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: <ul style="list-style-type: none"> 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager </div> <div>Justice Court: <ul style="list-style-type: none"> 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace </div> <div>Municipal Court: <ul style="list-style-type: none"> 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court </div> </div> | <div> <div>MOTOR VEHICLE ACCIDENTS; DEATH; INJURY</div> <div>Senator Linda Gray</div> <div> Summary: Includes A.R.S. § 28-729 (Driving on roadways laned for traffic), § 28-771 (Vehicle entering at intersection) and § 28-773 (Through highway; intersection entrance) to the list of predicate offenses for § 28-672, Causing serious injury or death by a moving violation, § 28-675, Causing death by use of a vehicle and § 28-676, Causing serious injury by use of a vehicle. </div> <div> The court may order the defendant's driving privilege be suspended upon a first violation of § 28-672 for up to 90 days if serious injury occurs and up to 180 days if death occurs. For a second offense within 36 months the court shall order the defendant's driving privilege to be suspended for 90 days if serious injury occurs and 180 days if death occurs. </div> <div> Driving without a driver license is added as a predicate offense for a violation of § 28-675 and 28-676. </div> <div> Statute Impacts: Statutes amended: §§ 28-672, 28-675, 28-676 </div> <div> Court impact: Provides for additional periods of suspension for a second offense within 36 months for a second or subsequent violation of causing serious physical injury or death by a moving violation. </div> <div> Back to Top </div> </div> |

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| Judge/Magistrate Administrative Office of the Courts | |
| <div>Chapter 162</div> <div>SB1116</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>LIMITED INCOME WITHHOLDING ORDERS</div> <div>Senator Thayer Verschoor</div> <div>Summary:</div> <div>Expands the definition of lump sum payments that may be subject to a limited income withholding order for arrearages owed by an obligor for child support, by adding excess proceeds, retroactive disability proceeds, and personal injury awards.</div> <div>Statute Impacts:</div> <div>Statute amended: § 25-505</div> <div>Court impact:</div> <div>Grants the Department of Economic Security authority to order limited income withholding orders from additional sources to collect current support and any arrearages owed by an obligor.</div> <div>Back to Top</div> |
| <div>Chapter 163</div> <div>SB1124</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Superior Court Chief Probation Officer 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> <div> 1. Justice of the Peace Court Administrator 2. Justice of the Peace </div> <div>Municipal Court:</div> <div> 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> | <div>CORP; REVERSE DROP; EXTENSION</div> <div>Senator Al Melvin</div> <div>Summary:</div> <div>In pertinent part, extends the Reverse DROP program until June 30, 2016.</div> <div>Statute Impacts:</div> <div>Statute amended: §38-885.01</div> <div>Court impact:</div> <div>Information only.</div> <div>Back to Top</div> |
| <div>Chapter 177</div> <div>HB2166</div> <div>Effective Date 07/29/2010</div> <div>General</div> | <div>LAW ENFORCEMENT, OFFICER, REPRESENTATION</div> <div>Representative Andy Biggs</div> <div>Summary:</div> <div>In pertinent part, prohibits the use of evidence in a disciplinary appeal hearing if the evidence is obtained during an interview where a law enforcement officer or</div> |

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| <p>Item of interest to:</p> <p>Superior Court: 1. Superior Court Chief Probation Officer 2. Superior Court Administrator 3. Superior Court Judge</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate</p> <p>Administrative Office of the Courts</p> | <p>probation officer was not given the opportunity to have a representative present, was not allowed sufficient breaks to consult others, or the officer or representative was threatened or retaliated against for participating in the interview or requesting a representative be present. Evidence may still be used on a showing of good cause, or if the violation is harmless.</p> <p>Statute Impacts: Statute amended: A.R.S. § 38-1101</p> <p>Court impact: This may require updating personnel policies.</p> <p>Back to Top</p> |
| <p>Chapter 180</p> <p>HB2463</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager</p> <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</p> <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate</p> <p>Administrative Office</p> | <p>AUTO GLASS REPAIR; FRAUDULENT PRACTICES Representative Nancy McLain</p> <p>Summary: In pertinent part, classifies a violation of §20-463.01, Unlawful practices; auto glass repair, as Fraud, a Class 6 Felony.</p> <p>Statute Impacts: Statutes amended: §§ 20-466.01, 20-466.02 Statute created: § 20-463.01</p> <p>Court impact: Adds A.R.S. § 20-463.01, defining fraudulent acts by persons who sell or repair auto glass. The changes require the court to update their automation system.</p> <p>Back to Top</p> |

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| of the Courts | |
| <div> <div>Chapter 183</div> <div>SB1009</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> <div>Superior Court:</div> <div> 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager </div> </div> <div> <div>Justice Court:</div> <div> 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace </div> </div> <div> <div>Municipal Court:</div> </div> <div> <div>Administrative Office of the Courts</div> </div> </div> | <div> <div>JUVENILE PROSECUTIONS; ADULT COURT; AGE</div> <div>Senator Linda Gray</div> </div> <div> <div>Summary:</div> <div>The age requirement in which to criminally prosecute a juvenile is based on age at the time the alleged offense is committed, not the age at the time the case is filed. Does not confer jurisdiction in the juvenile court over someone who is 18 years old or older, unless otherwise provided by law.</div> </div> <div> <div>Statute Impacts:</div> <div>Statute amended: § 13-501</div> </div> <div> <div>Court impact:</div> <div>Clarifies that the county attorney may charge a juvenile as an adult based on the age of the juvenile at the time of the offense if the juvenile has a qualifying offense or is found to be a chronic felony offender.</div> </div> <div> Back to Top </div> |
| <div> <div>Chapter 184</div> <div>SB1025</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> <div>Superior Court:</div> <div> 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge </div> </div> <div> <div>Justice Court:</div> </div> <div> <div>Municipal Court:</div> </div> <div> <div>Administrative Office of the Courts</div> </div> </div> | <div> <div>CRIMINAL JUSTICE COMMISSION; RULES</div> <div>Senator Russell Pearce</div> </div> <div> <div>Summary:</div> <div>Requires the Criminal Justice Commission to adopt rules for the purpose of allocating monies from the Criminal Justice Enhancement Fund.</div> </div> <div> <div>Statute Impacts:</div> <div>Statute amended: § 41-2405</div> </div> <div> <div>Court impact:</div> <div>Information only.</div> </div> <div> Back to Top </div> |
| <div> <div>Chapter 185</div> <div>SB1030</div> <div>Effective Date January 1, 2011</div> <div>Delayed</div> <div>Item of interest to:</div> </div> | <div> <div>DRIVER LICENSE VIOLATIONS; SUSPENSIONS</div> <div>Senator Russell Pearce</div> </div> <div> <div>Summary:</div> <div>Repeals the following provisions in A.R.S. § 28-3473, Driving violations: <ul style="list-style-type: none"> § 28-3473(B), requiring a minimum 48 hours in jail upon conviction of </div> </div> |

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| <div> <div> Superior Court: </div> <div> Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace </div> <div> Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate </div> <div> Administrative Office of the Courts </div> </div> | <div> <div> driving on a license that is suspended, cancelled or refused as the result of a DUI, <ul style="list-style-type: none"> § 28-3473(C), requiring a mandatory fine if the suspension is due to failure to appear or failure to pay a fine, § 28-3473(D), requiring a like suspension upon conviction of § 28-3471, and § 28-3473(E), requiring the mandatory extension of disqualification if a commercial driver license holder is convicted of driving while disqualified </div> <div> Permits ADOT to issue a restricted license to a person serving a like suspension if the person meets the enumerated requirements. Removes the SR 22 requirement when a person's vehicle registration and plates have been suspended due to an ADOT request for proof of insurance. The person must instead provide proof of financial responsibility. </div> <div> Statute Impacts: Statute amended: §§ 28-3473, 28-4149 </div> <div> Court impact: Consolidates violations of driving on a suspended license under A.R.S. § 28-3473(A) for this section. The change requires courts to update their automation system. </div> <div> Back to Top </div> </div> |
| <div> <div> Chapter 186 SB1095 Effective Date 07/29/2010 General </div> <div> Item of interest to: <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div> Justice Court: </div> <div> Municipal Court: </div> <div> Administrative Office of the Courts </div> </div> </div> | <div> <div> ACCESS TO CHILD; NOTIFICATION Senator Linda Gray </div> <div> Summary: Requires a child's parent or custodian to immediately notify the other parent or custodian if the parent knows that a convicted or registered sex offender or a person who has been convicted of a dangerous crime against children may have access to the child. The parent or custodian must provide written notice to the other parent or custodian should they find out that a sex offender or person who has committed dangerous crimes against children has access to the child. Requires the educational program and proposed parenting plan to include a statement that each parent has read, understands and will abide by the notification requirements outlined above. </div> <div> Statute Impacts: Statutes amended: §§ 25-351, 25-403.02, 25-403.05 </div> <div> Court impact: Requires modification to the parent education programs to include an explanation of the requirements of ARS § 25-403.05(B). A.C.J.A. § 30-202 will be amended to reflect the changes. </div> <div> Back to Top </div> </div> |
| <div> <div> Chapter 193 HB2429 Effective Date 07/29/2010 General </div> <div> Item of interest to: <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court </div> </div> </div> | <div> <div> MEDIATION AGREEMENTS; PRIVILEGED COMMUNICATIONS Representative Adam Driggs </div> <div> Summary: The terms of a mediation agreement that is signed by the parties are not confidential when necessary to enforce or obtain approval of the agreement. The agreement may be introduced in any proceeding to obtain court approval of the agreement, where required by law, or to enforce the agreement. Allows the agreement to be disclosed to the court under seal with request to issue appropriate orders to protect the confidentiality of the agreement if a party requests that all or part of the agreement remain confidential. Defines "record" and "sign." </div> </div> |

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| <div>Judge</div> <div> Justice Court: <ol style="list-style-type: none"> Justice of the Peace Court Administrator Justice of the Peace Court Clerk Justice of the Peace </div> <div> Municipal Court: <ol style="list-style-type: none"> Municipal Court Administrator Municipal Court Clerk Municipal Court Judge/Magistrate </div> <div> Administrative Office of the Courts </div> | <div> Statute Impacts: </div> <div> Court impact: Allows exceptions to the confidentiality of the mediation process for enforcement or approval of the agreement by the court. </div> <div> Back to Top </div> |
| <div> Chapter 194 HB2435 Effective Date 07/29/2010 General </div> <div> Item of interest to: </div> <div> Superior Court: <ol style="list-style-type: none"> Superior Court Chief Probation Officer Clerk of Superior Court Superior Court Administrator Superior Court Judge </div> <div> Justice Court: <ol style="list-style-type: none"> Justice of the Peace Court Administrator Justice of the Peace Court Clerk Justice of the Peace </div> <div> Municipal Court: <ol style="list-style-type: none"> Municipal Court Administrator Municipal Court Clerk Municipal Court Judge/Magistrate </div> <div> Administrative Office of the Courts </div> | <div> REPETITIVE OFFENDERS; PROBATION; MARIJUANA OFFENSES Representative Adam Driggs </div> <div> Summary: The bill is a criminal code cleanup. Clarifies the applicability of the probation assessment imposed pursuant to § 12-114.01. The assessment applies to any person convicted of a criminal offense, found responsible for a civil traffic offense, found to have violated any local ordinance relating to stopping, standing or operating a vehicle, except a parking offense, or found to violated any game or fish offense, whether or not a fine is imposed. Does not apply to cases in any Maricopa County Court, including a municipal court, as they are governed by § 12-269. § 13-703(M), relating to the use of out of state prior convictions for enhancement of sentence, no longer applies to offenses governed by § 13-703(A) or (B1), multiple offenses not committed on the same occasion. Clarifies that the monthly probation fee imposed pursuant to § 13-901 is no less than \$65.00 and is not subject to a surcharge. Retroactive to July 13, 2009. Corrects the inadvertent removal of the November 1, 2006 effective date requiring level three sex offenders required to register to be placed on GPS monitoring by reinserting language making the law effective for persons convicted on or after November 1, 2006. Classifies the production of marijuana weighing four pounds as a Class 4 felony. </div> <div> Statute Impacts: Statutes amended: §§ 12-114.01, 13-703, 13-902, 13-3405, 13-901 </div> <div> Court impact: Clarifies a probation assessment of \$20, formerly called a surcharge applies whether or not a fine is imposed and that the monthly probation fee imposed pursuant to § 13-901 is not subject to a surcharge. The assessment may be waived or reduced depending upon the defendants financial circumstances. </div> <div> Back to Top </div> |
| <div> Chapter 195 HB2470 </div> | <div> PUBLIC DEFENDER; DUTIES; REIMBURSEMENT Representative Doris Goodale </div> |

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| Effective Date 07/29/2010 | Summary: Clarifies and adds to the required duties of a public defender in superior and justice court. The public defender is required to defend, advise and counsel any person who is entitled to counsel as a matter of law and who is not financially able to employ counsel in the following proceedings: |
| General | |
| Item of interest to: | |
| Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge | <ol style="list-style-type: none"> 1. Offenses triable in the superior court or justice courts 2. Extradition hearings 3. Mental disorder hearings if appointed by the court under Title 36, Chapter 5 (Mental health services) 4. Involuntary commitment hearings held pursuant to Title 36, Chapter 18 (Alcohol and drug abuse), if appointed by the court 5. Involuntary commitment hearings held pursuant to Title 36, Chapter 37 (Sexually violent persons) 6. Juvenile delinquency and incorrigibility proceedings 7. Appeals to a higher court 8. Other juvenile proceedings, including serving as a guardian ad litem, if appointed by the court pursuant to A.R.S. § 8 221 (Counsel right of juvenile) 9. Mental health hearings regarding release recommendations held before the Psychiatric Security Review Board, if appointed by the court 10. Any other proceeding or circumstance in which a party is entitled to counsel as a matter of law, if appointed by the court |
| Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace | |
| Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate | |
| Administrative Office of the Courts | |
| | <p>For specific types of appointments, the court may only appoint the public defender if the county board of supervisors has advised the presiding judge that the public defender is authorized to accept the appointments. Permits the court to order reimbursement in whole or in part for legal services.</p> <p>Statute Impacts: Statutes amended: §§ 11-584, 41-4301</p> <p>Court impact: Information only.</p> <p style="text-align: right;">Back to Top</p> |

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| Chapter 196 | NATIONAL DISASTER MEDICAL SYSTEM; LEAVE |
| HB2540 | Representative David Gowan |
| Effective Date 07/29/2010 | Summary: Requires an employee of the state, county, city town or political subdivision to be granted a leave of absence without loss of time, pay or efficiency rating if the employee is called for service by the National Disaster Medical System. Employees are eligible until released from active duty. During the leave of absence, the employee continues to receive salary, adjusted for any pay or allowances provided while on duty. The employee is not eligible to accrue annual leave or sick leave during active duty. Proof of honorable service must be provided to the employer within 60 days of the employee completing active duty. If proof cannot be provided, the state may seek recovery of the pay differential. |
| General | |
| Item of interest to: | |
| Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge | Statute Impacts: Statute amended: § 38-610 Statute created: § 38-610.02 |
| Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace | Court impact: Information only. |
| Municipal Court: 1. Municipal Court | Back to Top |

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| Administrator 2. Municipal Court Judge/Magistrate Administrative Office of the Courts | |
| Chapter 198 HB2609 Effective Date 04/28/2010 Emergency Item of interest to: Superior Court: Justice Court: Municipal Court: Administrative Office of the Courts | OFFICEHOLDER EXPENSE ACCTS; STATEWIDE; LEGISLATIVE Representative John Kavanagh Summary: A person that holds an elected statewide public office or a legislative office whether by election or appointment may receive or spend monies to defray the costs of performing officeholder duties pursuant to the requirements enumerated in statute. Statute Impacts: Statute created: § 41-133 Court impact: Information only. Back to Top |
| Chapter 202 SB1137 Effective Date 07/29/2010 General Item of interest to: Superior Court: Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate Administrative Office of the Courts | DEPARTMENT OF TRANSPORTATION; VEHICLE RIGHT-OF- WAY Senator John Nelson Summary: In pertinent part, rewrites § 28-773, Intersection entrance. The statute is not significantly changed, however, the statute is consolidated into one section with § 28-773 being the citing section. Statute Impacts: Statutes amended: §28-307, 28-332, 28-372, 28-773, 28-5810, 32-2352, 42-2003 Court impact: Technical changes consolidate violations under A.R.S. § 28-773. The changes require courts to update their automation system. Back to Top |
| Chapter 210 SB1325 Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Superior Court Chief Probation | POLYGRAPH EXAMINATIONS; INTERVIEWS; LAW ENFORCEMENT Senator Linda Gray Summary: Allows an employee to request a notice of investigation if the employee believes that dismissal, demotion or suspension may result from an interview. The request triggers the requirements already in statute regarding presence of a representative during the interview, written notice, polygraphs and the concluding statement. Allows the officer to request, with permission from the agency, a representative |

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| <p>Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge</p> | <p>from outside the agency if someone from the agency is not available. Expands the written notice requirement to include the alleged facts and copies of complaints containing the alleged facts that are reasonably available, excluding complaints under EEOC.</p> |
| <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace</p> | <p>Makes all data and reports from polygraph examinations confidential (not public record) and limits the use of polygraph information to employment, reactivation or certification purposes, and/or the original administrative purpose of the exam. Provides specific time frame for the destruction of polygraph materials.</p> |
| <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate</p> | <p>Reduces the number of hours defining a “disciplinary action” from 24 to 16.</p> |
| <p>Administrative Office of the Courts</p> | <p>Statute Impacts: Statute amended: § 38-1101</p> |
| <p>Chapter 211 <u>HB2162</u> Effective Date 07/29/2010 General</p> | <p>Court impact: Defines the retention period for a polygraph examination record as 3 years and requires destruction within 3 years and 90 days other than records for unsuccessful applicants, active investigations or appeals. May require modifications to A.C.J.A. §§ 6-106, 6-113 and/or 3-402.</p> |
| <p>Item of interest to:</p> | <p>Back to Top</p> |
| <p>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager</p> | <p>IMMIGRATION; BORDER SECURITY Representative Warde Nichols</p> |
| <p>Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</p> | <p>Summary: Also see SB 1070 for changes to that bill enacted by HB 2162. Defines a “person” who applies for a federal, state or local public benefit and is required to produce evidence of legal presence in the United State as a natural person only (not a corporation).</p> |
| <p>Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager Administrative Office</p> | <p>Current law states that an employee of an agency or political subdivision of this state that administers any federal, state or local public benefit, and fails to report a discovered violation of a federal immigration law or a supervisor who knew of the failure to report and did not direct the employee to make the report is guilty of a Class 2 misdemeanor. The law allows any state resident to bring suit against any agent or agency for a violation of this section. HB 2162 allows the court to award costs and reasonable attorney fees to any person or any official or agency of this state or a political subdivision of this state that prevails by adjudication on the merits in the proceeding. Defines “state or local public benefit.”</p> <p>Establishes a Joint Border Security Advisory committee, designates members and duties. Requires the Attorney General to act at the direction of the Governor in any challenge in state or federal court to SB 1070. Permits the Governor to employ outside counsel to defend the bill.</p> <p>Statute Impacts: Statutes amended: §§ 1-501, 1-502, 11-1051, 13-1509, 13-2928, 13-2929</p> <p>Court impact: The bill amends by SB 1070, Chapter 113.</p> <p>Back to Top</p> |

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| of the Courts | |
| <div> <div>Chapter 213</div> <div>HB2338</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>Justice Court: <ul style="list-style-type: none"> 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace </div> <div>Municipal Court: <ul style="list-style-type: none"> 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> </div> | <div> <div>YELLOW LIGHTS; DURATION; PHOTO ENFORCEMENT</div> <div>Representative Frank Antenori</div> <div> Summary: Requires the yellow light duration for local traffic control devices outlined in § 28-641 to be at least three seconds long. A photo enforcement citation charging a violation of Title 28, Chapter 3, Article 3 (Traffic signs, signals and markings) is valid only if the traffic control device conforms to the manual and specifications for a uniform system for traffic control devices adopted by ADOT. </div> <div> Statute Impacts: Statutes amended: § 28-643 Statutes created: § 28-1203 </div> <div> Court impact: Establishes in statute the minimum yellow light duration required by the Manual on Uniform Traffic Control Devices for Streets and Highways. </div> <div> Back to Top </div> </div> |
| <div> <div>Chapter 214</div> <div>HB2419</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: <ul style="list-style-type: none"> 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> </div> | <div> <div>SIBLING VISITATION RIGHTS</div> <div>Representative Nancy Young -Wright</div> <div> Summary: Throughout various stages of the dependency process, states that if a child is placed in out-of-home care, the Department of Economic Security (DES) must make reasonable efforts to place the child with siblings or if that is not possible, to maintain frequent visitation or contact with siblings unless the court determines that contact would be detrimental to the child. </div> <div> In a case where a child is in an out-of-home placement and contact with siblings is not recommended, DES must provide specific reasons as to that determination in the report filed after the preliminary protective hearing. At the permanency hearing, the court is required to determine what efforts have been made to keep the child with or in contact with siblings. </div> <div> Statute Impacts: Statutes amended: §§ 8-513, 8-824, 8-842, 8-845, 8-862 </div> <div> Court impact: Requires the court to examine and make specific findings during dependency proceedings about the efforts made to place the child with siblings or if that is not possible, to maintain frequent visitation or contact with siblings. An emergency Rule 28 petition was filed on June 11, 2010 by the Administrative Director of the Courts to address the changes. </div> <div> Back to Top </div> </div> |
| <div> <div>Chapter 217</div> <div>HB2684</div> <div>Effective Date 07/29/2010</div> </div> | <div> <div>POW/MIA FLAG; DISPLAY</div> <div>Representative David Gowan</div> <div> Summary: Requires the POW/MIA flag to be flown on all days that the United States flag is </div> </div> |

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| <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div> Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace </div> <div> Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> | <p>flown in the following places: the state Capitol building, the county superior court building, the city or town hall of the municipality, and the main administrative building of the county. Directs the POW/MIA flag to be flown below the Arizona state flag when displayed with the United States flag on a single staff, and requires that the Arizona state flag always be flown to the honor of the United States flag when they are displayed on multiple staffs.</p> <p>Statute Impacts: Statute created: § 38-449</p> <p>Court impact: Requires superior court to fly the POW/MIA flag on all days that the United States flag is flown.</p> <p>Back to Top</p> |
| <div>Chapter 218</div> <div>SB1152</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>FOSTER CARE CHILDREN; RIGHTS</div> <div>Senator Leah Landrum Taylor</div> <p>Summary: In regard to the “Bill of Rights for Children and Youth in Foster Care Act,” clarifies that these provisions do not establish any legally enforceable right or cause of action on behalf of any individual.</p> <p>Statute Impacts: Statute amended: § 8-529</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <div>Chapter 221</div> <div>SB1314</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div>Justice Court:</div> | <div>DOMESTIC RELATIONS</div> <div>Senator Sylvia Allen</div> <p>Summary: Contains a public policy statement declaring that in the state of Arizona, it is in a child’s best interest to have substantial, frequent, continuing and meaningful parenting time with both parents and to have both parents engage in decision-making for the child, unless there is evidence to the contrary. Requires the court to apply these provisions in a consistent manner. The court must award reasonable fees in cases where the court finds that a petition was not filed in good faith, not grounded in fact or filed for an improper purpose. Directs the court to sanction a parent who, without good cause, fails to comply with the relocation notification requirements of this section.</p> <p>Statute Impacts: Statutes amended: §§ 25-103, 25-324, 25-408</p> |

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| <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>Court impact:</div> <p>Adds additional factors that the court must consider when awarding attorney fees. Also requires that the court shall sanction a parent who does not comply with the relocation notification requirements, unless there is good cause. The sanction to custody or parenting must be in the best interests of the child.</p> <div>Back to Top</div> |
| <div>Chapter 226</div> <div>HB2236</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer</div> <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court Judge</div> <div>5. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>THEFT BY EXTORTION; TAX LIENS</div> <div>Representative John Kavanagh</div> <div>Summary:</div> <p>Theft by extortion (Class 4 felony) is expanded to include taking or withholding action regarding an alleged claim of easement or other right of access to an adjoining property if the claimant's interest in the property is the result of a tax lien purchase or foreclosure and if the fair market value is equal to or less than the amount paid by the claimant for the purchase.</p> <div>Statute Impacts:</div> <p>Statute amended: § 13-1804</p> <div>Court impact:</div> <p>Adds A.R.S. § 13-1804(A)(9) a class 4, felony. The change requires the court to update their automation system.</p> <div>Back to Top</div> |
| <div>Chapter 230</div> <div>HB2608</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer</div> <div>2. Clerk of Superior Court</div> <div>3. Superior Court Administrator</div> <div>4. Superior Court Clerk</div> <div>5. Superior Court Judge</div> <div>6. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace</div> <div>4. Justice of the Peace</div> | <div>CONSTABLES; JURISDICTION</div> <div>Representative Adam Driggs</div> <div>Summary:</div> <p>If a sheriff or constable serves a warrant issued by a justice or superior court judge for failure to pay a fine, the court is required to collect a 10% surcharge on the amount of the fine owed by the defendant to be transmitted to the county treasurer for deposit in the county general fund. The surcharge is calculated based on the amount of the fine that is actually owed by the defendant when the warrant is issued and applies to warrants issued on or after the effective date. The surcharge does not apply in a civil traffic case as a warrant is not issued for failure to pay a civil traffic fine. A constable may execute, serve and return processes and notices in an adjoining precinct in another county.</p> <div>Statute Impacts:</div> <p>Statutes amended: §§ 11-445, 22-131</p> <div>Court impact:</div> <p>Establishes a 10% surcharge on criminal cases for a failure to pay when a FTP warrant is issued in a justice or superior court on or after July 29, 2010 and the warrant is served by the sheriff or constable. The surcharge is calculated on the balance of the unpaid base fine for the criminal offense on the date of issuance of the warrant. The change requires the court to update their automation system.</p> <div>Back to Top</div> |

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| Jury Commissioner/Manager Municipal Court: Administrative Office of the Courts | |
| Chapter 232 <u>SB1043</u> Effective Date 06/14/2010 Conditional Item of interest to: Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace Municipal Court: Administrative Office of the Courts | <h2 style="text-align: center;">HEALTH CARE; PROGRAMS; COVERAGE</h2> <h3 style="text-align: center;">Senator Bob Burns</h3> <p>Summary: Re-establishes the Kids Care program which provides healthcare coverage for children meeting specific criteria. This program was eliminated in the 49th Legislature, 7th Special Session. In pertinent part, statutes containing penalties for prohibited acts such as fraudulently claiming eligibility for services and improper billing practices are re-established, including a Class 5 felony for any person who knowingly aids or abets another person in obtaining services fraudulently and the ability to collect unpaid civil penalties through the Maricopa County Superior Court.</p> <p>Modifies the definition of a “dependent” for purposes of the state employee insurance program to include the child of an employee who is under 26 years of age (previously 19 years of age) and a child who was disabled before reaching 19 years of age, if the employee had custody of the child before the child reached 19 years of age.</p> <p>Contains a retroactive effective date of June 14, 2010.</p> <p>Statute Impacts: Statutes amended: §§ 36-2903 (as amended by Laws 2010, 7th Special Session), 36-2903.01 (as amended by Laws 2010, 7th Special Session), 36-2905 (as amended by Laws 2010, 7th Special Session), 36-2905.08 (as amended by Laws 2010, 7th Special Session), 36-2907 (as amended by Laws 2010, 7th Special Session), 36-2912 (as amended by Laws 2010, 7th Special Session), 36-3408 (as amended by Laws 2010, 7th Special Session), 38-651</p> <p>Statutes created: §§ 36-2981, 36-2982, 36-2983, 36-2985, 36-2986, 36-2987, 36-2988, 36-2689, 36-2990, 36-2991, 36-2992, 36-2993, 36-2994, 36-2995, 36-2998</p> <p>Court impact: Adds a class 5 felony under 36-2991(A) for any person who knowingly aids or abets another person in fraudulently obtaining services. The change requires courts to update their automation system.</p> <p style="text-align: right;">Back to Top</p> |
| Chapter 233 <u>SB1055</u> Effective Date 07/29/2010 General Item of interest to: Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court | <h2 style="text-align: center;">VICTIMS RIGHTS; DISCLOSURE OF INFO</h2> <h3 style="text-align: center;">Senator Jonathon Paton</h3> <p>Summary: Includes the court in the list of entities to which a crime victim’s information may be disclosed by an advocate providing services to the victim if the victim consents and the disclosure is in the furtherance of any victim’s right.</p> <p>Statute Impacts: Statute amended: § 13-4430</p> <p>Court impact: Information only.</p> <p style="text-align: right;">Back to Top</p> |

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| <div>Judge</div> <div> Justice Court: <ol style="list-style-type: none"> Justice of the Peace Court Administrator Justice of the Peace Court Clerk Justice of the Peace </div> <div> Municipal Court: <ol style="list-style-type: none"> Municipal Court Administrator Municipal Court Clerk Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> | |
| <div>Chapter 234</div> <div>SB1056</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: <ol style="list-style-type: none"> Clerk of Superior Court Superior Court Administrator Superior Court Judge </div> <div> Justice Court: <ol style="list-style-type: none"> Justice of the Peace Court Administrator Justice of the Peace Court Clerk Justice of the Peace </div> <div> Municipal Court: <ol style="list-style-type: none"> Municipal Court Administrator Municipal Court Clerk Municipal Court Judge/Magistrate </div> <div>Administrative Office of the Courts</div> | <div>SENTENCING; GUILTY EXCEPT INSANE</div> <div>Senator Jonathon Paton</div> <div> Summary: Requires a person who is adjudicated guilty except insane or not guilty by reason of insanity for any of the offenses listed in A.R.S. § 13-3821(A) to comply with the sex offender registration, community notification and website requirements. Adds Murder in the first and second degree to the list of offenses for which the Psychiatric Security Review Board may transfer a person to the Arizona Department of Corrections for the remainder of the person's sentence if the Board finds that the person no longer needs ongoing treatment and is dangerous/has a propensity to reoffend. </div> <div> Statute Impacts: Statutes amended: §13-3821, 13-3825, 13-3827, 13-3994 </div> <div> Court impact: Requires the Clerk of the Superior Court to report to the sheriff a person who is adjudicated guilty except insane for any of the offenses listed in A.R.S. § 13-3821(A). Requires courts not of record to report to the arresting law enforcement agency a person who is adjudicated guilty except insane for any of the offenses listed in A.R.S. § 13-1402, for indecent exposure. </div> <div>Back to Top</div> |
| <div>Chapter 237</div> <div>SB1081</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> | <div>TRAIL COURT APPOINTMENTS; NONATTORNEY MEMBER</div> <div>Senator Jonathon Paton</div> <div> Summary: Implements Article VI, Section 41 of the Arizona Constitution dealing with the Commission on Trial Court Appointments. </div> |

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| <div> <div>Superior Court:</div> <div>1. Superior Court Administrator</div> <div>2. Superior Court Judge</div> </div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <p>When the term of a non-attorney member of a Commission expires, the Commission is required to give notice to the member of the board of supervisors (BOS) from the district where the vacancy occurred at least 90 days prior to the vacancy. The BOS member is required, at least 90 days before or within 21 days after the vacancy occurs, to appoint a nominating committee of seven members who live in that district, not more than four of whom may be from the same political party(constitutional language).</p> <p>The nominating committee is, within 21 days after being appointed, required to provide public notice that a vacancy exists and solicit applications. The nominating committee, within 60 days after providing public notice of the vacancy is required to review the applications and forward all the applications with a recommendation for appointment to the Governor. The Governor then appoints a member as provided by law, subject to Senate confirmation.</p> <p>The Governor may appoint a non-attorney member, subject to Senate confirmation without being forwarded an application from a nominating committee if:</p> <ul style="list-style-type: none"> • A member of the BOS does not appoint a nominating committee within 21 days of a vacancy of a non-attorney member • The nominating committee does not provide public notice of the vacancy within 20 days of appointment • The nominating committee does not forward all applications to the Governor within 60 days of the public notice that a vacancy occurs <p>Statute Impacts: Statute created: § 12-131</p> <p>Court impact: Information only.</p> <p>Back to Top</p> |
| <div>Chapter 238</div> <div>SB1100</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Administrator</div> <div>2. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>COUNTIES; AUDITS; MERIT SYSTEM; JUDGES</div> <div>Senator Russell Pearce</div> <p>Summary: In pertinent part, retroactive to July 1, 2010 Maricopa County is required to pay 100% of the annual salary for Maricopa County superior court judges.</p> <p>Statute Impacts: Statutes amended: §§ 11-251, 11-352, 12-128</p> <p>Court impact: Information only, budget appropriation bill for salaries of superior court judges in Maricopa County.</p> <p>Back to Top</p> |
| <div>Chapter 241</div> <div>SB1135</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> | <div>AGGRAVATED ASSAULT; CLASSIFICATION; DEFINITION</div> <div>Senator John Nelson</div> <p>Summary: Expands the definition of Aggravated assault to include assault on a code enforcement officer or a state or municipal park ranger (Class 6 Felony).</p> <p>Statute Impacts: Statute amended: § 13-1204</p> |

1. Superior Court Chief Probation Officer
2. Clerk of Superior Court
3. Superior Court Administrator
4. Superior Court Judge
5. Superior Court Jury Commissioner/Manager

Justice Court:

1. Justice of the Peace Court Administrator
2. Justice of the Peace Court Clerk
3. Justice of the Peace
4. Justice of the Peace Jury Commissioner/Manager

Municipal Court:

1. Municipal Court Administrator
2. Municipal Court Clerk
3. Municipal Court Judge/Magistrate
4. Municipal Court Jury Commissioner/Manager

Administrative Office of the Courts

Court impact:

Adds two additional class 6 felony violations to A.R.S. § 13-1204. The changes require courts to update their automation system.

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Chapter 255

[HB2238](#)

Effective Date
07/29/2010

General

Item of interest to:

Superior Court:

1. Superior Court Chief Probation Officer
2. Clerk of Superior Court
3. Superior Court Administrator
4. Superior Court Judge
5. Superior Court Jury Commissioner/Manager

Justice Court:

1. Justice of the Peace Court Administrator
2. Justice of the Peace Court Clerk
3. Justice of the Peace
4. Justice of the Peace Jury Commissioner/Manager

Municipal Court:

SEXUAL OFFENSES; PROBATION; SENTENCING
Representative Andy Tobin

Summary:

Increases the sentencing range for the offense of Indecent Exposure or Public Sexual Indecency to a minor if the defendant has two historical prior convictions for Indecent exposure or Public sexual indecency to a minor who is under 15 years of age. The sentence range is 6-15 years. This is the range for a Class 4 felony with two historical prior felony convictions. Adds Indecent exposure to a person less than 15 years of age and Public sexual indecency to a person less than fifteen years of age to the definition of "Sexually violent person" for purposes of the civil commitment statutes.

Clarifies that the monthly probation fee imposed pursuant to A.R.S. § 13-901 is not less than \$65.00 and is not subject to a surcharge. Retroactive to July 13, 2009.

If a person is sentenced to lifetime probation and as a term of probation serves a year in jail, the court, upon reinstatement may impose up to an additional one year in jail so long as the total time spent in jail does not exceed one year or the maximum period of imprisonment allowed for the crime committed, including the initial one year period of incarceration, whichever is shorter.

Modifies the offense of Engaging in prostitution with a minor. Knowingly engaging in prostitution with a minor under 15 years of age pursuant to § 13-3212(A) is a Class 2 felony and a dangerous crime against children. Knowingly engaging in prostitution with a minor who is under 15 years of age pursuant to § 13-3212(B) (1) is a Class 2 Felony and a Dangerous crime against children. Knowingly engaging in prostitution with a minor the person knows is 15, 16 or 17 years of age pursuant

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| <div>1. Municipal Court Administrator</div> <div>2. Municipal Court Clerk</div> <div>3. Municipal Court Judge/Magistrate</div> <div>4. Municipal Court Jury Commissioner/Manager</div> <div>Administrative Office of the Courts</div> | <p>to § 13-3212(B) (2) is a Class 2 Felony. Knowingly engaging in prostitution with a minor who is 15, 16 or 17 years of age pursuant to § 13-3212(B) (3) is a Class 6 felony. Sets forth the required sentencing provisions.</p> <p>Nothing precludes the state from alleging other sentencing enhancements. Removes the requirement that a person's sentence for a violation of this section involving a minor who is 15, 16, or 17 years old be consecutive to any other sentence imposed on that person.</p> <p>Repeals § 13-3213, which provided an affirmative defense to a charge of engaging in prostitution with a minor if the minor was 15, 16, or 17 years old and the person could not reasonably have known the age of the minor.</p> <p>Requires a person convicted of child prostitution, except pursuant to § 13-3212(B) (3), strict liability, to register as a sex offender.</p> <p>Statute Impacts: Statutes amended § 13-709.05, 13-901 (as amended by Laws 2009, first special session, chapter 5, section 2), 13-1402, 13-1403, 13-3212, 13-3821, 36-3701</p> <p>Statutes repealed: § 13-901 (as amended by laws 2009, first regular session, chapter 125, section 1), 13-3213</p> <p>Court impact: Clarifies sentencing provisions involving indecent exposure and public sexual indecency. Adds additional violations for child prostitution to A.R.S. § 13-3212(B) and establishes minimum sentencing requirements for those violations in section (G). Clarifies that the monthly probation fee imposed pursuant to A.R.S. § 13-901 is not subject to any surcharge.</p> <p>Retroactive to July 13, 2009. Repeals a conflicting provision from Laws 2009, first regular session, chapter 125,section 1. The changes require courts to modify their automation system.</p> <p>Back to Top</p> |
| <div>Chapter 259</div> <div>HB2471</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace</div> <div>Municipal Court:</div> | <div>APPOINTED MENTAL HEALTH EXPERTS; REQUIREMENTS</div> <div>Representative Doris Goodale</div> <p>Summary: In a criminal or juvenile case where a competency exam is required for a defendant, removes the requirement that one of the two experts be a licensed physician specializing in psychiatry. The court may appoint a psychiatrist on its own motion or on motion of either party. A stipulation to one expert requires court approval.</p> <p>Statute Impacts: Statutes amended: §§ 8-291.02, 13-4505</p> <p>Court impact: An emergency Rule 28 petition was filed on June 11, 2010 by the Administrative Director of the Courts to address the changes.</p> <p>Back to Top</p> |

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| <div>1. Municipal Court Administrator</div> <div>2. Municipal Court Clerk</div> <div>3. Municipal Court Judge/Magistrate</div> <div>Administrative Office of the Courts</div> | |
| <div>Chapter 264</div> <div>HB2766</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Clerk of Superior Court</div> <div>2. Superior Court Administrator</div> <div>3. Superior Court Judge</div> <div>4. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace</div> <div>4. Justice of the Peace Jury Commissioner/Manager</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>TENTANT NOTICE; FORECLOSURES</div> <div>Representative Barbara McGuire</div> <div>Summary:</div> <div>Requires rental agreements entered into after a foreclosure action has been initiated to include written notice of possible foreclosure. Multifamily residential units with four or more connected units are exempt from the notice requirement. If the required notice is not provided, a tenant may deliver a written notice of noncompliance by the landlord and recover damages and obtain injunctive relief. The security deposit must also be returned to the tenant.</div> <div>Statute Impacts:</div> <div>Statute created: § 33-1331</div> <div>Court impact:</div> <div>May result in additional landlord & tenant filings in justice or superior court.</div> <div>Back to Top</div> |
| <div>Chapter 266</div> <div>SB1018</div> <div>Effective Date</div> <div>07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator</div> <div>2. Justice of the Peace Court Clerk</div> <div>3. Justice of the Peace</div> <div>Municipal Court:</div> <div>1. Municipal Court Administrator</div> <div>2. Municipal Court</div> | <div>PHOTO ENFORCEMENT PROCEDURES; JUSTICE COURTS</div> <div>Senator Russell Pearce</div> <div>Summary:</div> <div>A photo enforcement (PE) system shall not be placed on a street or highway within 600 feet of a posted speed limit change except in an area around a school crossing. In placing a PE system, a speed limit sign must be placed between the two PE signs that are required by statute.</div> <div>Extends the statute of limitations for a state PE citation from 60 to 120 days of the alleged violation effective for citations not filed as of the effective date so long as the 60 day statute of limitations has not already expired by the effective date. Prohibits the filing of a state PE citation in court before the person is served with the citation effective with citations filed on or after the effective date.</div> <div>Retroactive from July 1, 2009 to the effective date of the bill, all state PE citations are to be included in judicial productivity credit (JPC) calculations unless the citation is dismissed due to lack of service. Upon the effective date of the bill, all state PE citations are included in JPCs. Authorizes the board of supervisors to establish a processing fee to cover the cost of processing a state PE complaint and provides a funding mechanism for case processing.</div> |

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| <div>Clerk</div> <div>3. Municipal Court Judge/Magistrate</div> <div>Administrative Office of the Courts</div> | <p>Permits, instead of requires, the Department of Public Safety to enter into a contract for a state PE system.</p> <p>Transfers some of the state PE provisions from A.R.S. Title 41 to Title 28.</p> <p>Statute Impacts: Statutes amended: §§ 28-654, 28-1204, 28-1592, 28-1593, 41-1722</p> <p>Statutes created: § 28-1203, 28-1602, 28-3323</p> <p>Statute transferred § 28-654</p> <p>Court impact: The bill specifically excludes surcharges on any local processing fee established by the Board of Supervisors. The change in the time to file the complaint, from 60 to 120 days, will require an amendment to the Rules of Procedure in Civil Traffic and Civil Boating Violation Cases in the future.</p> <p>Back to Top</p> |
| <div>Chapter 267</div> <div>SB1035</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> <div>Administrative Office of the Courts</div> | <div>GUARDIAN AD LITEM; CHILD; HEARINGS</div> <div>Senator Jim Waring</div> <p>Summary: If the court appoints a guardian ad litem (GAL) or attorney for a minor, the GAL or attorney must meet with the minor at least once before the preliminary protective hearing (PPH), if possible, or within 14 days after the PPH. Directs the GAL or attorney to meet with the minor before all other substantive hearings. Allows the judge to modify these requirements for any substantive hearing upon a showing of extraordinary circumstances.</p> <p>Statute Impacts: Statute amended: § 8-221</p> <p>Court impact: Establishes additional requirements for attorneys representing juveniles in all proceedings involving offenses, dependency or termination of parental rights. An emergency Rule 28 petition was filed on June 11, 2010 by the Administrative Director of the Courts to address the changes.</p> <p>Back to Top</p> |
| <div>Chapter 272</div> <div>SB1182</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge</div> <div>Justice Court:</div> <div>Municipal Court:</div> | <div>PSYCHIATRIC MENTAL HEALTH NURSE PRACTITIONERS</div> <div>Senator Amanda Aquirre</div> <p>Summary: In pertinent part, defines a “psychiatric or mental health nurse practitioner” and expands the definitions of “admitting officer,” “professional” and “independent evaluator” to include a “psychiatric or mental health nurse practitioner” for purposes of A.R.S. Title 36, Ch. 5 (Mental Health Services). Expands several statutes to allow a “psychiatric or mental health nurse practitioner” to participate in various stages of the mental health evaluation and commitment process, such as:</p> <ul style="list-style-type: none"> • Being appointed by the court as an independent evaluator • Meeting with a patient’s attorney prior to hearings • Ensuring that the patient isn’t under the influence of medication to the point that the patient is unable to prepare for or participate in the hearing • Providing advice to the court if a patient is not complying with court-ordered outpatient treatment |

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| <div>Administrative Office of the Courts</div> | <ul style="list-style-type: none"> Requiring the county to reimburse for evaluations provided by a nurse practitioner <p>Statute Impacts: Statutes amended: §§ 36-501, 36-514, 36-537, 36-538, 36-539, 36-540, 36-545.04, 36-546</p> <p>Court impact: Enlarges the pool of medical professional the court may appoint to evaluate persons in court-ordered mental health evaluations and treatment programs to include authorizing evaluations by certified psychiatric and mental health nurse practitioners for civil commitments.</p> <p>Back to Top</p> |
| <div>Chapter 276</div> <div>SB1266</div> <div>Effective Date 07/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div>Superior Court:</div> <div>1. Superior Court Chief Probation Officer 2. Clerk of Superior Court 3. Superior Court Administrator 4. Superior Court Judge 5. Superior Court Jury Commissioner/Manager</div> <div>Justice Court:</div> <div>1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager</div> <div>Municipal Court:</div> <div>1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager</div> <div>Administrative Office of the Courts</div> | <p>JUVENILES;COMMUNICATION DEVICES;SEXUAL MATERIAL Senator Jonathon Paton</p> <p>Summary: Establishes a new offense, unlawful use of an electronic communication device by a minor. It is unlawful (delinquent act) for a juvenile to either intentionally or knowingly use an electronic communication device to transmit a visual depiction of a minor that depicts explicit sexual material. The offense is classified as either a petty offense or Class 3 misdemeanor depending on whether one or multiple images are transmitted. It is also unlawful for a juvenile to intentionally or knowingly possess a visual depiction of a minor that depicts explicit sexual material and that was transmitted to the juvenile through the use of an electronic communication device. This offense is classified as a petty offense. It is not a violation of the latter provision if the juvenile did not solicit the visual depiction, the juvenile took reasonable steps to destroy or eliminate the visual depiction or report the visual depiction, and the juvenile did not provide the visual depiction to another person. A second offense, committed after adjudication for a first offense of either violation is a Class 2 misdemeanor. A prior diversion counts as an offense. Defines “electronic communication device,” “explicit sexual material” and “visual depiction.”</p> <p>Adds a new provision to Aggravated assault, committing an assault under circumstances that would result in a domestic violence offense by intentionally or knowingly impeding the normal breathing or circulation of blood of another person either by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or by an instrument. The offense is classified as a Class 4 felony.</p> <p>Permits the court to grant a petitioner of an order of protection the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner. Also permits the court to order the respondent to stay away from the animal and to forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect or otherwise disposing of the animal.</p> <p>Eliminates the requirement that the court provide a written notice of the effect of a second or subsequent offense to a defendant who is found guilty of a first domestic violence offense.</p> <p>Adds the following to the predicate offenses for domestic violence:</p> <ul style="list-style-type: none"> First and second degree murder Manslaughter Negligent homicide |

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| | <ul style="list-style-type: none"> • Sexual assault • Intentionally or knowingly subjecting an animal in the person's care or control to cruel neglect, cruel mistreatment or abandonment that results in serious physical injury to the animal • Intentionally or knowingly preventing or interfering with the use of a telephone by another person in an emergency <p>Statute Impacts: Statutes amended: §§ 13-1204, 13-3601, 13-3602</p> <p>Statute created: § 8-309</p> <p>Court impact: The bill require a change to the forms adopted by A.C.J.A. § 5-207 removing the written notice of the effect of a second or subsequent offense to a defendant who is found guilty of a first domestic violence offense. An emergency Rule 28 petition was also filled on June 11, 2010 by the Administrative Director of the Courts to address the changes to the Rules of Protective Order Procedures. The changes require courts to update their automation system.</p> <p>Back to Top</p> |
| <p>Chapter 280</p> <p>SB1306</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> <p>Superior Court:</p> <p>Justice Court:</p> <p>1. Justice of the Peace Court Administrator</p> <p>2. Justice of the Peace Court Clerk</p> <p>3. Justice of the Peace</p> <p>4. Justice of the Peace Jury Commissioner/Manager</p> <p>Municipal Court:</p> <p>1. Municipal Court Administrator</p> <p>2. Municipal Court Clerk</p> <p>3. Municipal Court Judge/Magistrate</p> <p>4. Municipal Court Jury Commissioner/Manager</p> <p>Administrative Office of the Courts</p> | <p>HUMAN EGG PROVIDERS; PROTECTION Senator Linda Gray</p> <p>Summary: In pertinent part, classifies the purchase or offer to purchase a human egg for any purpose other than the treatment of human infertility or for clinical investigation by a physician or clinic as a Class 1 misdemeanor.</p> <p>Statute Impacts: Statutes created: §§ 36-1301, 36-1302, 36-1303</p> <p>Court impact: Adds A.R.S. § 36-1303(A) as a misdemeanor 1 offense the purchase a human egg for purposes other than for the treatment of human infertility or for clinical investigation by a physician or clinic whose primary practice is treatment of human infertility. The changes require courts to update their automation system.</p> <p>Back to Top</p> |
| <p>Chapter 281</p> <p>SB1307</p> <p>Effective Date 07/29/2010</p> <p>General</p> <p>Item of interest to:</p> | <p>HUMAN EMBRYOS; TREATMENT Senator Linda Gray</p> <p>Summary: In pertinent part, classifies the production of a human embryo or human-animal hybrid or the purchase or sale of a human embryo or human-animal hybrid as Class 1 misdemeanors. Classifies destructive human embryonic stem cell research as a Class 6 felony.</p> |

Superior Court:
1. Superior Court Chief Probation Officer
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4. Superior Court Judge
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Justice Court:
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2. Justice of the Peace Court Clerk
3. Justice of the Peace
4. Justice of the Peace Jury Commissioner/Manager

Municipal Court:
1. Municipal Court Administrator
2. Municipal Court Clerk
3. Municipal Court Judge/Magistrate
4. Municipal Court Jury Commissioner/Manager

Administrative Office of the Courts

Statute Impacts:
Statutes created: §§ 36-2311, 36-2312, 36-2313

Court impact:
Adds multiple class 1 misdemeanor offenses under A.R.S. § 36-2312 as well as a class 6 felony offense under A.R.S. § 36-2313. The changes require courts to update their automation system.

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Chapter 302

[SB1189](#)

Effective Date
07/29/2010

General

Item of interest to:

Superior Court:
1. Clerk of Superior Court
2. Superior Court Administrator
3. Superior Court Judge

Justice Court:
1. Justice of the Peace Court Administrator
2. Justice of the Peace

Municipal Court:
1. Municipal Court Administrator
2. Municipal Court Judge/Magistrate

Administrative Office

ADMISSIBILITY OF EXPERT OPINION TESTIMONY Senator Barbara Leff

Summary:

In a civil or criminal action, expert testimony regarding scientific, technical or other specialized knowledge may only be offered by a qualified witness. In order for the testimony to be admissible the court must determine that:

- The witness is qualified as an expert on the subject matter based on knowledge, skill, experience, training or education
- The witness reliably applied the principles and methods to the facts of the case
- The opinion will assist the trier of fact in understanding the evidence or determining a fact in issue
- The opinion is based on sufficient facts and data and is the product of reliable principles and methods

In order to determine whether the testimony provided by a qualified witness is admissible, the court shall consider, if applicable whether the expert opinion and its basis can be tested and have been subjected to peer reviewed publication, the rate of error of the expert opinion and its basis and the degree to which the opinion and its basis are accepted in the scientific community.

In essence, legislatively applies Daubert to Arizona, however, the bill requires the judge to apply the above enumerated factors if applicable; Daubert provides discretion to the trial judge as to whether to apply the factors.

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| <div>of the Courts</div> | <div> Statute Impacts: Statute enacted: § 12-2203 </div> <div> Court impact: Provides a standard for qualifying expert witnesses including provisions not currently specified in the Rules of Evidence. </div> <div> Back to Top </div> |
| <div>Chapter 307</div> <div>SB1309</div> <div>Effective Date 7/29/2010</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Clerk of Superior Court 2. Superior Court Administrator 3. Superior Court Judge </div> <div> Justice Court: 1. Justice of the Peace Court Administrator 2. Justice of the Peace Court Clerk 3. Justice of the Peace 4. Justice of the Peace Jury Commissioner/Manager </div> <div> Municipal Court: 1. Municipal Court Administrator 2. Municipal Court Clerk 3. Municipal Court Judge/Magistrate 4. Municipal Court Jury Commissioner/Manager </div> <div>Administrative Office of the Courts</div> | <div> PARENTS; RIGHTS Senator Chuck Gray </div> <div> Summary: A parent's right to direct the upbringing, education, health care and mental state of a child is a fundamental right, and the state or any government entity is prohibited from infringing on these rights unless it demonstrates that the compelling governmental interest as applied to the child is of the highest order, is narrowly tailored and not otherwise served by a less restrictive means. Establishes a series of rights reserved to a parent of a minor without interference from the state or any government or political entity. In pertinent part, includes the right to: <ul style="list-style-type: none"> • Direct the education of the child • Access and review all records relating to the minor • Make health care decisions for the child • With exceptions, consent in writing before the state or any political subdivisions makes a video or voice recording of the minor child, except during or as part of a court proceeding or forensic interview • Consent before a record of the child's blood or DNA is created, stored or shared, unless otherwise provided by statute or court order • Unless otherwise provided for by law, court order or emergency, prohibit a health professional performing mental health screening on a child, without first securing consent from at least one parent. A violation is classified as a Class 1 misdemeanor (Separate definition of "parent" is provided) </div> <div> The bill does not prohibit the court from issuing an order that is otherwise permitted by law, does not allow a parent to engage in unlawful conduct or prohibit a law enforcement officer from acting in the officer's official capacity within the scope of authority. Prohibits these rights from being limited or denied, unless otherwise required by law. Defines "parent." </div> <div> Statute Impacts: Statute amended: § 15-102 Statutes created: §§ 1-601, 1-602, 36-2272 </div> <div> Court impact: Extensive bill adds a Parents' Bill of Rights that enumerates rights reserved to a parent of a minor child including parental involvement in their child's school, prescriptions, mental health screening or treatment. Defines parent as the natural or adoptive parent or legal guardian of a minor child. </div> <div> Back to Top </div> |
| <div>Chapter 327</div> <div>HB2629</div> <div>Effective Date 07/29/10</div> <div>General</div> <div>Item of interest to:</div> <div> Superior Court: 1. Superior Court Chief Probation Officer 2. Clerk of Superior </div> | <div> SELF-DEFENSE; POLITICAL SUBDIVISIONS; WEAPON RECORDS Representative David Stevens </div> <div> Summary: In pertinent part, prohibits a political subdivision from requiring or maintaining a permanent or temporary record of any person who temporarily stores a weapon at any public establishment or event. Maintaining a record of the descriptions, including serial numbers of weapons temporarily stored at any public establishment or event is also prohibited. An exception permits an event or establishment (such as a court) to require government identification or a </div> |

Court
3. Superior Court
Administrator
4. Superior Court Judge
5. Superior Court Jury
Commissioner/Manager

Justice Court:

1. Justice of the Peace
Court Administrator
2. Justice of the Peace
Court Clerk
3. Justice of the Peace
4. Justice of the Peace
Jury
Commissioner/Manager

Municipal Court:

1. Municipal Court
Administrator
2. Municipal Court
Clerk
3. Municipal Court
Judge/Magistrate
4. Municipal Court Jury
Commissioner/Manager

**Administrative Office
of the Courts**

reasonable copy of the identification from the person who is storing a firearm. The identification is to be returned to the person when the weapon is retrieved.

In a situation where a person is justified in threatening or using deadly physical force against another the person has no duty to retreat prior to threatening or using the force provided the person is in a place the person is legally permitted to be and not engaged in unlawful activity.

Statute Impacts:

Statutes amended: §§ 13-405, 13-3108

Court impact:

Courts may require a government identification from a person who leaves a weapon in temporary storage when entering a facility. The court shall store the identification with the weapon and shall return the identification when the weapon is retrieved. The court shall not maintain a record of the firearm or the person after the weapon is retrieved.

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